

In the Central Administrative Tribunal

Principal Bench: New Delhi

RA No.257/92 in
OA No.65/91

Date of order: 31-7-92

Shri P.S. Jain

...Applicant

Versus

Union of India

...Respondents

Coram:-

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member


O R D E R

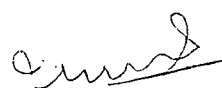
This R.A. has been filed to seek review of our judgement dated 22.5.1992 rendered in OA No.65/91 - P.S. Jain Vs. Union of India & Others. The principal ground advanced for seeking the review is that the respondents had "misguided and concealed the material fact that they reconsidered the matter after retirement of petitioner & the petitioner's commuted Leave had been revised to half pay leave. They issued a d.o. letter dated 20th March 1991, which fact has now come to the knowledge of petitioner which materially affects the judgement."

2. The new evidence adduced for seeking the review is a D.O. letter No.Q/PAII/6610/76/85 dated 20 March, 1991. The case was finally heard on 18.5.92 and the judgement was pronounced on 22.5.1992. The material fact which has now come to the notice of the applicant

is not such as was not within the knowledge of the applicant, as it is contained in the D.O. letter dated 20.3.1991, addressed to the applicant. The scope of the review petition is very restricted in terms of Order XLVII of the Code of Civil Procedure. The review can be sought only if there is an error apparent on the face of record or some new evidence has come to the notice of the applicant, which was not available or in the knowledge of the applicant, after exercise of due diligence.

3. In the circumstances, as stated above, we are not persuaded to accept that the new material was not within the knowledge of the applicant. Accordingly, the R.A. is rejected by circulation, in terms of Rule 17 (iii) of the Central Administrative Tribunal (Procedure) Rules, 1987.


(I.K. Rasgotra)
Member(A)


(P.K. Kartha)
Vice-Chairman

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