

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

R.A. No 283/92 in OA 2525/91

Y.K. Saini vs ESIC & Ors.

Dt: 24.08.92

This R.A. has been filed by the petitioner for reviewing the judgment passed in OA NO. 2525/91 on 7.7.92. The applicant has raised two grounds in this R.A:

- (i) the rulings cited by him in para 5 of the O.A. have not been considered in the judgment; and
- (ii) the legal aspect of the case was not decided by the Bench.

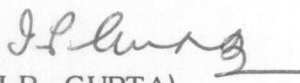
2. Merely quoting the case laws in the O.A. is not sufficient and they cannot be considered unless they are cited at the Bar. The case laws which are mentioned in the O.A. were not cited at the Bar. Hence, they were not considered during the judgment. The arguments which are mentioned in the O.A. but are not argued at the Bar are always deemed to have been abandoned at the time of the final hearing. Hence, the Bench was not obliged to discuss and evaluate the case laws mentioned by the applicant in the O.A. itself but not cited at the Bar at the time of the final hearing.

3. So far as ground No. (ii) is concerned, no illegalities have been pointed out in the R.A. itself as to which legal aspect was not dealt with in the judgment. Hence, the second ground has also no force.

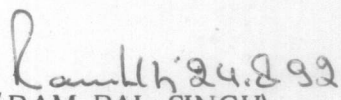
4. It appears that the applicant by filing this R.A. seeks rehearing of the case under the guise of the review petition. Power to review is an exception to the general rule that when once a judgment is signed and pronounced, it cannot afterwards be altered or added to. Thus, the right of review is exercisable only where the circumstances are distinctly covered by the statutory exceptions. Power of review has been very well dealt with and a law has been

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laid down by their Lordships of the Supreme Court in the case of  
Sow. Chandra Kante and Another vs. Sheikh Habib - 1975 SCC (L&S)  
184. This R.A. has no force. It is, therefore, dismissed on merits,  
without notice.

  
(I.P. GUPTA)

MEMBER (A)

  
(RAM PAL SINGH)

VICE-CHAIRMAN (J)