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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.422 of 1993 In
O.A. No. 1488 of 1991

New Delhi this the 19th day of September, 1994

Mr. Justice S.K. Dhaon, Acting Chairman
Mr. B.N. Dhoundiyal, Member

Shri Harmesh Chandra
R/o C4-E/120 Janak Puri,
New Delhi-110058.

...Applicant

By Advocate Shri B.B. Raval

Versus

1. Union of India
through the Secretary,
Min. of Information and Boradcasting,
Shastri Bhavan,
New Delhi.
2. The Chief Producer,
Films Division,
24 Peddar Road,
Bombay-400026.
3. Shri C.I. Dogra,
Assistant Administrative Officer,
Films Division,
Paryavaran Bhavan,
C.G.O. Complex,
Lodhi Road,
New Delhi. ... Respondents

By Advocate Shri K.C. Sharma

ORDER

Mr. Justice S.K. Dhaon, Acting Chairman

This is an application seeking the review of the judgment dated 20.09.93 passed by a two member Bench of this Tribunal comprising Hon'ble Mr. I.K. Rasgotra, Member, as he then was, and Hon'ble Mr. B.S. Hegde, Member, who has since been transferred from the Principal Bench to the Bombay Bench.

2. The applicant made an application before the aforesaid Bench praying that certain records may be summoned from the respondents. On 08.07.1992, the learned Members passed an order to the effect that the counsel for the respondents shall make available the records mentioned in the application for the perusal

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of the Tribunal.

3. A supplementary affidavit has been filed in the Review Application. In the Review Application and in the supplementary affidavit it is alleged that, before the commencement of the arguments in the O.A., the attention of the learned Members hearing the same was drawn to the fact that the counsel for the respondents were not in possession of the records as directed by the Tribunal on 08.07.1992. Inspite of this, the arguments proceeded and the Tribunal gave its judgment without perusing the record, as mentioned in the application filed by the applicant.

4. The averments made in the Review Application as well as in the supplementary affidavit filed by the applicant have been denied in the counter-affidavit filed by the respondents. Learned counsel for the respondents has also drawn our attention to certain observations made by the Tribunal in its order that it had seen the record. Such observations are to be found in paragraph 5 of the judgment which begins with the words: "We have called for the service records of the respondent No.3 and have perused the same, and have also heard the rival contentions of both the counsel and carefully perused the records. On perusal of the record, we find.....". Again in paragraph 7 it is mentioned: ".....It is on record.....".

5. The denial of the respondents in the counter-affidavit, of the allegation made in the Review Application and the supplementary affidavit that the record, as directed by the Tribunal, was not in possession of the counsel for the respondents on the date of the hearing stands substantially corroborated by the aforementioned recitals in the aforesaid judgment of the Tribunal. We see no reason

Stay

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to take the view that the said recitals in the judgment are incorrect. It necessarily follows that the judgment of the Tribunal cannot be faulted on the ground that, inspite of the order dated 08.07.1992 and in spite of the fact that the counsel for the respondents was not in possession of the record on the date of the hearing, arguments were heard and judgment was pronounced. We, therefore, hold that in compliance of the order dated 08.07.1992, the counsel for the respondents was in possession of the relevant record at the time of commencement of the arguments. We also take the view that, in view of the clear recitals in the judgment, the Tribunal had looked into the record. Therefore, no ground exists for reviewing the judgment of the Tribunal on that score.

6. Whether the Tribunal committed some illegality or irregularity in not giving a detailed reference in its judgment to the record examined by it can be the subject matter of an appeal but surely not of review proceedings. Our jurisdiction to review our judgment/order is circumscribed by the provisions contained in Order 47 Rule 1 of the CPC. By no stretch of imagination it can be argued that the Tribunal committed any apparent error on the face of the record in not writing a proper judgment. We, therefore, cannot interfere with the judgment of the Tribunal in the review proceedings.

7. The Review Application is dismissed but without any order as to costs.

B. N. DHOUDIYAL

(B.N. DHOUDIYAL)

MEMBER (A)

S.K. DHAON

ACTING CHAIRMAN