Central Administrative Tribunal
Principal Bench, New Delhi

RA No.35/2015
MA 870/2015
OA No.204/2004
&
RA No.36/2015
MA No.875/2015
OA No. 168/2015

New Delhi, this the 30th day of September, 2015

Hon'ble Mr. Justice B.P. Katakey, Member (J)
Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr.V.N.Gaur, Member (A)

RA No.35/2015 in OA No.204/2004

Ombir Singh
SI (Ex.) in Delhi Police
PIS No.28824811
Aged about 32 Years
S/o Shri Jagdish Singh
R/o A-4/3, PS Defence Colony
New Delhi ..... Review Applicant

(By Advocate: Mr.Anil Singal)

Versus

1. Union of India
   Through its Secretary
   Ministry of Home Affairs
   North Block, New Delhi.

2. Commissioner of Police
   PHQ, I.P. Estate, New Delhi.

3. Joint Commisioner of Police/HQ
   PHQ, IP Estate, New Delhi.

4. DCP/HQ (Establishment)
   PHQ, I.P, Estate, New Delhi.

5. Sh. Gurdial Singh 126/L
   Through Commisioner of Police
   PHQ, IP Estate, New Delhi. ....Review Respondents

RA No.36/2015 in OA No. 168/2015

Yash Pal Singh
SI (Ex.) in Delhi Police
PIS No.28790672
Aged about 55Years
S/o Shri Balbir Singh
R/o D-108, Mahendru Enclave,
New Delhi ..... Review Applicant

(By Advocate: Mr.Anil Singal)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block, New Delhi.

2. Commissioner of Police
PHQ, I.P. Estate, New Delhi.

3. Joint Commisioner of Police/HQ
PHQ, IP Estate, New Delhi.

4. DCP/HQ (Establishment)
PHQ, I.P, Estate, New Delhi.

5. Sh.Rajender Singh 1382/D
Through Commisioner of Police
PHQ, IP Estate, New Delhi. ....Review Respondents

ORDER (ORAL)

By Justice Mr. B.P. Katakey, Member (J);-

Heard Mr.Anil Singal, learned counsel appearing for the review applicants.

2. The applicants have filed the present Applications seeking review of the common order dated 11.5.2006 passed by a Full Bench of this Tribunal in OAs Nos. 168/2004 & 204/2004 answering the question referred to the Full Bench, as well as the order dated 17.1.2007 passed by a Division

Bench of this Tribunal in the aforesaid OAs, based on the aforesaid orders passed by the aforesaid Full Bench.

3. The applicants have also filed MA No. 870/2015 in RA No. 35/2015 and M.A No. 875/2015 in RA No. 36/2015 seeking condonation of delay of 3103 days in preferring the Review Petitions.

4. It has been contended by the Review Applicants that since Larger Bench of this Tribunal declared that the view taken by the Full Bench in the aforesaid order dated 11.5.2006 was not coorect, the said order passed by the said Full Bench requires review. The applicants submit that delay of 3103 days have been caused in filing the Review Petitions as they came to know about the judgement passed by the Larger Bench of this Tribunal only on 24.3.2011.

5. A review of an order passed earlier is permissible only in the event of having an apparent error on the face of the records, or discovery of new important matter or evidence which, after exercise of due deligence was not within knowledge of the review applicants or could not be produced by them at the time when the order was passed, or for any other sufficient reason. The error which is not evident and require a process of reasoning is not an error on the face of the record. To review an earlier order passed error must be such as

would be apparent on mere looking of the records without requiring any due process of reasoning.

6. By the instant applications, the applicants have sought review of the aforesaid orders passed in the aforesaid proceedings on the ground that by a Larger Bench of this Tribunal by a subsequent order held that the view taken in the order sought to be reviewed, was not the correct view.

7. Subsequent judgement or order passed on an issue cannot be a ground for review of the earlier order passed, which has attained finality having not challenged before the higher forum. The applicants also could not demostrate any error apparent on the face of the records. That apart the applicants could not demonstrate any cause, not to speak of sufficient cause, in not filing the review petitions within time. According to the applicants themselves they came to know about the order passed by the Larger Bench of this Tribunal on 24.3.2011. No explanation as to why they did not file the review petitions immediately thereafter and waited till 11.12.2014 has been given. Such self serving statement relating to the date of knowledge of the aforesaid order also cannot be accepted.

8. In view of the above, we do not find any ground to condone the delay in filing the review petition and also to issue notice on the review application.

(60)

9. Hence, the MAs as well as the RAs stand dismissed. However, it is open to the review applicants to approach appropriate authority seeking relief in view of the order passed by the Larger Bench of this Tribunal, after disposal of the SLP pending before the Hon'ble Supreme Court challenging the order passed by the Hon'ble High Court affirming the order passed by the Larger Bench of this Tribunal.

(V.N.Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

(B.P. Katakey)
Member (J)

/mK/