

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(A)

RA 14/93 in OA 489/92

DATE OF DECISION : 28.1.93

Shri V.K. Vohra Vs. Union Public Service Commission

O R D E R

The applicant in OA 489/92 has filed the Review Application against the judgment dt.11.12.1992. The aforesaid OA was disposed of at the admission stage itself holding that the relief claimed by the applicant is barred by limitation and also not maintainable because of non joinder of necessary parties.

2. As provided by Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil Court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgment/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgment was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean 'analogous reason'.

3. The petitioner has again raised new arguments and also referred to certain precedents mentioning them as grounds for review of the judgment aforesaid. The findings in the judgment that the relief claimed by the petitioner is barred by Section 21(3) are based on proper appreciation of the facts and circumstances of the case and the case cannot be reopened only because the petitioner has referred to certain precedents. We can, however, refer to the recent decision of

15

Bheop Singh Vs. Union of India, Judgement Today 1992 (3) SC p-322 that the judgment and orders of the Court do not give a cause of action. The cause of action has to be reckoned from the actual date. We also refer to the case of S.S.Rathore vs. State of M.P., reported in AIR 1990 SC 20. The above authority of the Hon'ble Supreme Court in unambiguous terms lays down that cause of action shall be taken to arise on the date of the order of the higher authority disposing of the appeal or representation. Where no such order is made within six months after making such appeal or representation, the cause of action would arise from the date of expiry of six months. Repeated unsuccessful representations not provided by law do not enlarge the period of limitation.

4. We have gone through the averments made in the Review Application and also perused the record and we find that there is no error apparent on the face of the judgment. The present application was apparently filed beyond the date of limitation. The Review Application is, therefore, devoid of merit and is dismissed by circulation.

J. P. Sharma

(J.P. SHARMA) 28.1.93
MEMBER (J)

28.1.93
(P.C. JAIN)
MEMBER (A)