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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A.No.36/93 in
O.A. No.1213/92

Date of Decision : 09.2.1993

Shri H..R.K. Bhatnagar

...Petitioner

Versus

Union of India

...Respondents

CORAM :-

The Hon'ble Mr Justice Ram Pal Singh, Vice Chairman (J)

The Hon'ble Mr I.K. Rasgotra, Member (A)

O R D E R

M.P.404/93 has been filed by the petitioner with the prayer that the O.A. No.1213/92 which was decided on 22.12.1992 may be restored/reheard after hearing the petitioner. The petitioner has also filed a review application No. 36/93 seeking review of our judgement in O.A. 1213/92 rendered on 22.12.1992. The principal ground adduced seeking review is that on 22.12.1992 the Counsel of the petitioner could not appear at the time "when the case was called out at first call because he had to come from Tis-Hazari where he is normally practising."

As far as the M.P. is concerned no rule or provision of law has been brought to our notice which would enable the restoration/rehearing of the case after the O.A. has been decided on merit and judgement pronounced. In the circumstances, M.P., has no merit and is rejected.

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As far as the review application is concerned the case ~~was~~ initially listed before the single bench on 5.5.1992. It was adjourned to 26.5.1992 on the request of petitioner's counsel. The respondents were noticed on 26.5.1992. They put up appearance on 22.7.1992 and sought time for filing the counter-affidavit. None appeared for the petitioner on 18.9.1992. Again none appeared for the petitioner on 22.10.1992 nor was rejoinder filed on 13.11.1992. The petitioner submitted that he would not like to file the rejoinder and the case was listed before the Division Bench on 22.12.92. The date fixed was thus within the knowledge of petitioner. The petitioner however, was not present on 22.12.1992, when the case was heard. The respondents were represented by the learned counsel Shri P.P. Khurana.

The settled law is that once a judgement has been pronounced it cannot be altered nor can any addition/subtraction be made. Unless prayer for the review is covered by the provisions made under Order XLVII of the C.P.C. , the review application cannot be entertained. On careful consideration, we find that the grounds adduced in the R.A. are not covered by provisions made under Order XLVII of C.P.C. There is neither any error apparent on the face of record nor any new material/document has been discovered which was not within the knowledge of the petitioner, had he exercised due diligence. We also notice that on 22.12.92 when the case was taken up ~~the~~

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Dr. on ~~22.12.1992~~ the petitioner was not present. Accordingly
the R.A. is rejected in circulation.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)

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