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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. 39/93 in
O.A. 3265/92

Date of Decision : 22.2.1993

Shri D.R. Jagiya

... Petitioner

Versus

Union of India

... Respondents

CORAM : -

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

O R D E R

Shri D.R. Jagiya, the petitioner has filed this R.A. 39/93 seeking review of my judgement in O.A. 3265/92 decided on 30.12.1992. The petitioner has prayed that he may be provided relief along with transfer case on the following issues also :-

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- i) Issues of directors for waiving off contributions towards Pension & Leave for settling the issue of Foreign Service in Coal India Ltd.,
- ii) Cancellation of 'Censure' and 'Dies Non' Orders as recommended by the Ministry of I & B.
- iii) Seniority over juniors.
- iv) Refixation of pay.
- v) Directions for cancellation of Transfer order."

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The relief prayed for in the main O.A. related only to the impugned transfer Order of the petitioner from Delhi to Ranchi. The petitioner is thus seeking enlarged relief through this R.A. The scope of the Review Application is limited in view of the provision made in Order LXVII C.P.C. The settled law in regard to review is that the judgement once rendered cannot be altered. It can be reviewed only under the exceptional provisions made in Order LXVII C.P.C. there :

- (i) There should be There should be an error apparent on the face of record.
- (ii) Some new document or new evidence has been discovered which was not available to the petitioner even after exercise of diligence.
and
- (iii) For any other sufficient reason;

The Review Application under consideration is not covered by any of the statutory exceptions, nor can the enlarged relief can be allowed through R.A. The petitioner is, in fact, trying to reargue his case as he does not find judgement to his liking and at the same time praying for reliefs which were not asked for in the O.A. This cannot be done. The Supreme Court in the judgement Chandra Kanta and another v. Sheik Habib - A.I.R. 1975 S.C. 1500


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has held that :-

"Once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and a resort to it is proper only where a glaring omission nor patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition through a different counsel, of the old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient."

In view of the above and after giving careful thought to the submissions made, I find no merit in the R.A. and the same is accordingly rejected.


(I.K. RASGOTRA)
MEMBER (A)