

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA 113/94 in OA 2805/1992

NEW DELHI, this 13th day of April, 1994

Shri J.P. Gupta  
PGT(Chemistry)  
Govt. Boys Sr. Sec. School  
Kalyan Vas, Delhi-91 .. Applicant in RA

Shri V.K. Bhatnagar  
PGT(Chemistry)  
Govt. Boys Sr. Sec. School  
Kalyan Vas, Delhi-91 .. Applicant-Respondent

By Shri S.K. Shukla, Advocate

Versus

The Chief Secretary  
Delhi Administration  
5, Alipur Road, Delhi

The Director (Education)  
Old Secretariat, New Delhi

The Dy. Director (Education)  
District East, Rani Garden  
Gita Colony, Delhi-51

.. Respondents

O R D E R (By circulation)

This is a third party revision application filed under Section 22(3) of the Administrative Tribunals Act, 1985 by Shri J.P. Gupta, who was the applicant in OA 944/93 decided on 14.2.94. The contention of Shri Gupta in this RA is that he was never made a party in OA 2805/92 filed by Shri V.K. Bhatnagar, which was decided on 11.2.1993 inter alia quashing the transfer order dated 15.9.1992, as a result of which the said Shri Bhatnagar was transferred to Gandhi Memorial B.S.S. School, Shahdara vice Shri Gupta, the applicant in the RA, who was transferred to GBGSSS, Kalyan Vas, vide order dated 30.3.93 passed by the Deputy Director of Education (R-3). Shri Gupta further states that he is directly involved in the matter even though he was never made a party in OA 2805/92 and that he filed OA 944/93 aggrieved by the transfer order dated 30.3.93, referred to above, which was decided on 14.2.94 ordering him to file a review petition.

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2. The circumstances under which a review application application can be filed, as per Order 47, Rule 1 of CPC, are that (i) when some new material which is not available with the applicant at the time of hearing and that comes into possession subsequently and which has a bearing on the case, (ii) when there is an apparent mistake on the face of record that has crept in the judgement and (iii) if there is any sufficient reason. In the present RA filed by Shri Gupta, none of these conditions is noticed.

3. Further, as per AIR 1975-SC 1500, a review of the judgement is a serious step and a reluctant resort to it is proper <sup>unless</sup> where a glaring omission or a patent mistake or a grave error has crept in earlier by judicial fallibility.

4. While giving decision in OA 2805/92 filed by the said Shri V.K.Bhatnagar, the operative part of which is as under, I had patiently heard the arguments and averments made by both the counsel during the hearing and carefully gone through the records and material placed before me:

"Following the guidelines laid down by the above rulings cited, I have no hesitation in coming to the conclusion that the transfer of the applicant suffers with arbitrariness to help another person which is clearly discriminative in nature and borders on the malafide. Under the circumstances, I quash this transfer order. The respondents are at liberty to follow the guidelines and make necessary adjustment in accordance with the guidelines, rules..."

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5. Incidentally, I also notice that the OA 944/93 filed by the applicant (Shri J.P.Gupta) was dismissed as withdrawn, without any order or direction whatsoever as alleged by the applicant, but by an observation.

6. I am also not convinced with the reasons given in MA 855/94 filed by the applicant for condonation of delay. The delay is not condoned.

7. The applicant has not made out a proper case for filing a RA. The RA is, therefore, dismissed on limitation as well as on merits. No costs.

*lsh*  
(C.J. Roy)  
Member (C)

/tvg/