

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

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RA 160/92 in OA 1014/92

14.05.92

Shri Karambir Singh Vs. Union of India & Anr.

ORDER

The applicant has preferred this application for Review of the judgement dt.29.4.1992 which has been disposed of under Section 21(3) of the Administrative Tribunals Act, 1985. The operative portion of the judgement is, "The present application is dismissed on the ground of being premature and the applicant has not filed any representation before the authorities and straightway filed this application. The application is dismissed at the admission stage itself."

2. As provided by Section 23(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/judgement/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 judgement was made, despite due diligence; or
 - (iii) for any other sufficient reason construed to mean "analogous reason".

3. In para-2 of the RA, the petitioner has taken only two grounds for review which are as follows :-

- (i) There is an obvious error apparent on the face

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of record in disposing of O.A. 1014 of 1992 without hearing the petitioner's submissions and that the order dismissing the original application 1014 was passed with prejudicial attitude.

(ii) Dismissed the application as being premature without considering the provisions of sub-section 1 of Section 19 of the Central Administrative Tribunals Act, 1985.

4. Answer to ground No.1 is itself in para 3.2 of the ^{Review} application read with para-2 of the Order No.1/32/87-JA dt.December 18, 1991 (Annexure B).

Para 3.2 "The petitioner's counsel just gave the facts of the case and took the court through the Annexure 'I', 'II' and 'III' of the application, but, before his counsel began with the submissions on a query from the Hon'ble Tribunal whether the case was prematured or not."

"At this point only the counsel for the petitioner suggested to the Hon'ble Tribunal that since the said Bench of two Hon'ble Members (Hon'ble Shri S.P.Mukerji, vice-Chairman and Hon'ble Shri T.S.Oberoi, Member (J)) was already functioning that day the matter could be sent before that Bench."

5. Para-2 of the order dt.December 18, 1991 (Annexure B) is as follows :-

"That it is open to either party to submit to the Single Member before the matter is taken up for admission or for final hearing, that it may be placed before a

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Bench of two Members, If such a request is made at the outset, the Single Member shall direct that the case be placed before an appropriate Bench of two Members. Once the case is taken up, no such request shall be entertained at any subsequent stage of the proceedings for admission or final hearing, as the case may be." (Emphasis underlined)

6. The order dt.10.4.1992 (Annexure C) was dictated in the presence of the learned counsel for the applicant in the open court. As regards ground No.2, the same is elaborately met with in the judgement under Review. No error is apparent on the face of that nor any new substantial evidence oral or documentary, has been averred in the Review Petition. The RA is, therefore, devoid of merit and is dismissed. However, before parting with the case, it is pointed out that on 29.4.1992, there was a supplementary list for pronouncement of the judgement along with three other OAs. So the fact that the judgement was not notified for pronouncement is wrong. Further the judgement in the OA was delivered after enquiring from the Registry by the Court Officer of Court No.v whether any MP has been filed by 5.00 p.m. on 28.4.1992 and that the reply was in negative, so all the judgements which were to be delivered on 29.4.1992 were listed in the supplementary list by the Listing Section of Registry.

(J.P. SHARMA)
MEMBER(J)

14.5.92