

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

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Date of Order 20.7.92

RA 204/92 in
OA 569/92

AMITAV DAS GUPTA Vs. UNION OF INDIA & ORS.

ORDER (In chamber)

The applicant has sought review of the judgement dated 1.5.1992 in which he has assailed the award of annual remarks for the year 1989. The ground taken by the applicant in this Review Petition is that there is an error apparent on the record of the judgement. In ground No.1, the applicant has stated that there is no material on record to show that applicant's representation dated 1.9.1990 was replied to him. This has already been discussed in the body of the judgement as the denial by the respondents was not replied to in the rejoinder to contradict this fact. Para 2 of the grounds only refers to certain facts which have already been discussed in the judgement. Similarly ground No.3 refers to of not taking note of background of Annexure A-5 (para 4.15 of the OA) but what is written therein as a motive for giving adverse remarks has already been discussed in the body of the judgement. It is also stated in this ground that the reviewing/controlling officers decided first to wait

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for the outcome of pending cases and then to reject the representation. This is only an imagination on the part of the applicant to allege such fact. In fact, what the applicant assailed in the OA was the award of the adverse remarks for the year 1989. A remark against the applicant was that involvement of the applicant in research endeavours is limited. This particular remark was given by those who had the occasion to assess the work of the applicant as a Scientist and this matter has been fully discussed in the body of the judgement.

As per the provisions of Order 47, Rule 1 of the CPC, 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".

I do not find that the case of the applicant follows on any of the ground. The Review Application is, therefore, devoid of merit and is dismissed.

J. P. Sharma
(J. P. SHARMA)
MEMBER (J).