

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.243/97
MA 2432/97 & MA 2433/97
in O.A. 868/92

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New Delhi this the 12th day of November, 1997.

Hon'ble Smt.Lakshmi Swaminathan, Member(J)
Hon'ble Shri N.Sahu, Member(A)

Shri Kishan Chand
S/O Sh.Kundan Ram,
working as Senior Clerk,
Diesel Shed, N.R.Shakurbasti,
R/O 2340, Mohalla Kallan Kabarwali
Gali, Sonapat.

..Applicant

VS

Union of India

..Respondent

O R D E R (By circulation)

Hon'ble Smt.Lakshmi Swaminathan, Member(J)

The review applicants in this case are original respondents(UOI) in OA 868/92. They have prayed that the Review Application may be allowed and the OA may be heard afresh in the interest of justice. They have submitted that there is an error apparent on the face of the record. One of the grounds taken by them is that in spite of due diligence the facts mentioned in para 6 of the Review application could not be brought to the notice of the Tribunal, being old records ~~and~~ which have now been traced out and could have material bearing on the decision of the case.

2. The impugned judgment dated 13.5.97 in OA 868/92 is an oral order passed after hearing both the parties and perusing the records. We are unable to agree with the Review Applicants that they could not bring the relevant records which they now seek to rely upon at the time of the hearing of the OA and before delivering of the impugned order dated 13.5.97. This Review application has been filed on 7.10.97

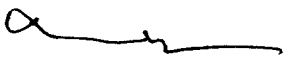
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along with an MA 2432/97 for condonation of delay. In the MA it has been stated that they have examined the impugned order. They have also perused the relevant old records dealing with the selection for the post of Typist in 1975 and subsequent years. Since this took some-time, this Review application has been delayed for which they have prayed to condone the delay.

3. It is evident from the above that the respondents are seeking to rely upon the old records and not on the discovery of any new and important material as provided, under Order 47 Rule 1 CPC which they could not bring at the time when the OA was heard and the impugned judgment was passed. We, therefore, do not find that the ^{Review Application filed by the} Review applicants (Original respondents) is within the purview of Order 47 Rule 1 CPC or there are sufficient reasons to condone the delay in filing the same. Review applicants could have obviously traced and produced the relevant records if they had wanted to at the time when the case was heard which they did not care to do.

4. For the reasons given above, we find no good grounds to allow this Review application. The same is accordingly dismissed.


(N. Sahu)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)