

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

R.A. No 285 of 1992 in OA No 730 of 1992.

31/08/92

(12)

Smt. Shakuntla Baurai, widow of
Shri B.C. Baurai (Original Applicant)

- Substituted Applicant

vs.

Union of India & Ors

The petitioner has filed this R.A. for reviewing the judgment passed in OA No 730/92 dated 17.7.92. She was, after the death of the applicant, B.C. Baurai, substituted as the legal representative. In this R.A. the petitioner has raised the grounds of facts that the late applicant had a disturbed mind, that he was suffering from cancer of liver and that he was not in proper health, that when he submitted his resignations, he was not of sound mind etc. etc. On these facts, she prays for review of the judgment. These facts were brought by the petitioner on record before the judgment and the findings of facts have been recorded in the judgment. Those findings cannot be changed on these new grounds raised in the R.A.

2. The law with regard to the review of a judgment has by now been settled that a judgment can be reviewed only on the ground of discovery of new and important matters or evidence which, after the exercise of due diligence, was not within the knowledge of the party or could not be produced by him at the time when the order was passed. On perusal of the review application, it appears that the petitioner seeks rehearing of the O.A. in the guise of the review petition. Review is a serious matter. The power of review is an exception to the general rule that when once a judgment is signed and pronounced, it cannot afterwards be altered or added to and hence a right of review is exercisable only where the circumstances are distinctly covered by the statutory exceptions. Greatest care has to be taken in granting a review because after a judgment is pronounced, the petitioner knows the weakness of his case and wants to cover it up by means of fresh evidence. Judgment once passed acquires finality and cannot be substituted by a fresh or a second judgment. The alleged errors pointed out by the peti-

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tioner are really not errors but a written argument to meet the points discussed in the judgment. This review application appears to be bereft of any merit. Law is laid down with regard to power of review by the Supreme Court in the case of Sow. Chandra Kante and Another vs. Sheikh Habib - 1975 (L&S) 184. This review is bereft of any merit and hence it is dismissed without notice.

Launh 31.8.92
(RAM PAL SINGH)

VICE-CHAIRMAN (J)

Hon'ble Member, Shri L.P. Gupta

J.P. Gupta
31/8/92