

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
* * *

Date of Decision :

2.12.92

RA 335/92 in OA 124/92

Union of India & Ors. Vs. Smt. Promila V. Gaikwad

ORDER

The respondents in the OA 124/92 have filed the Review Application against the judgement dt. 27.8.1992. The OA was disposed of with the following directions :-

"In view of the above facts, the present application is disposed of with the direction to the respondents to give appointment to the applicant as per the recommendations of the Manager, as referred to above, within a period of two months from the date of receipt of a copy of this order. The prayer for regularization of the quarter, in the circumstances, cannot be allowed. But the respondents should consider the case of the applicant sympathetically for recovering the dues which accrued due to the occupation by the family of the deceased employee after his death.

In the circumstances, parties are left to bear their own costs."

The relief sought in this case in the Review Application is that the judgement aforesaid be recalled. The ground taken in the Review Application is that on 14.2.1992 in certain other OAs Nos. 2753/90, 2754/90 and 3/91 etc., an order has been passed by the Principal Bench where it was directed to the respondents to prepare a viable scheme on All India basis to give relief in such cases to the deserving persons on the basis of compassionate appointment and certain steps have already been taken.

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As provided by Section 223(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".

The case of the petitioners for review does not fall in any of the above categories. The above Review Application does not show any apparent error on the case of the record to call for review of the judgement. The Review Application, is therefore, dismissed.

J. P. Sharma

(J. P. SHARMA)

MEMBER (J)

2-12-92