

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No. 429 of 1993

O.A. No. 2287 of 1992

Delg Decision: 13.12.93

Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. B.K. Singh, Member (A)

Sulekh Chand,
S/o Shri Ram Dayal,
S-3/3, Police Colony,
Andrews Ganj,
New Delhi.

.....

Applicant

VERSUS

1. Delhi Administration,
through, Chief Secretary,
Delhi Administration,
Delhi.

2. The Commissioner of Police,
Delhi Police,
N. Delhi.

.....

Respondents

ORDER (In Circulation)

(By Hon'ble Mr. B.K. Singh, Member (A))

This Review Application No.429/93 has been filed by the learned counsels, Shri R.L. Sethi and Shri Ashish Kalia, for the applicant. The Original Application was filed and argued by Shri B.B. Raval for the petitioner. Mrs. Maninder Kaur represented the respondents.

2. It is an admitted fact that every evidence placed by the learned counsel for the applicant was taken into consideration all and the facts and legal issues involved in the case were heard and decided on merit after hearing both the parties. When the Court is dealing with a matter where there is no alternative but to draw inferences from certain facts and conclusions drawn circumstances, the cannot be described as based on presumption

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and assumptions. If the circumstantial evidence is such that an irresistible ~~presumptions~~ presumption or conclusion can be drawn from major and minor premises placed before the Court, the Court is duty-bound to do so. There is no question of grant of benefit of doubt to an applicant. It is not a criminal trial.


3. There is no factual or legal error apparent on the face of the record and also there is no discovery of a new fact or evidence which could not be produced at the time of hearing of the O.A. Besides, there is no other sufficient or reasonable cause for fresh hearing in the matter. A review application is maintainable only when it comes within the four corners of Order 47 Rule 1 read with Section 14 of the CPC. Review does not lie for fresh hearing ^{of} ~~or~~ arguments or for correction of an erroneous view taken but for correction of a patent error of fact or law which ~~stares one on the face of record~~ ^{it} without any elaborate argument being needed to ~~estab-~~ ^{it} ~~lish~~. A plea not taken in the O.A. No. 2287/92, Sulekh Chand Vs. Delhi Administration & Anr., cannot be raised in the Review Application. The review applicant has not stated anything in this application which was not stated and considered when the O.A. was decided. The learned counsels for the applicant have also not been able to point out any factual or legal error which ~~stares one on~~

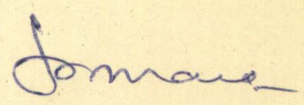
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the face of record nor have they been able to adduce any new evidence or new facts which they could not produce at the time of hearing of the O.A. We therefore feel that there is no sufficient and reasonable cause for reopening the matter and accordingly the R.A. is dismissed as devoid of merit or substance.


(B.K. Singh)
Member (A)


(J.P. Sharma) 18/12/93
Member (J)

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