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Central Administrative Tribunal,
Cuttack Bench, Cuttack.

Review Application No. 13 of 1991

Date of decision: May 26, 1992.

S.K.Das

: Petitioner

Versus

Union of India and others: Opp. Parties.

For the Petitioner

: M/s Ganeswar Rath, B.K. Mohapatra,
A.K. Patnaik, J. Sahu, Advocates

For the Opp. Parties

: Mr. Ashok Mohanty, Sr. St. Counsel
(Central)

....

CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HON'BLE MISS. USHA SAVARA, MEMBER (ADMINISTRATIVE)

....

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? *Ans*
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

....

Judgment

K.P. ACHARYA, V.C.

This Review Application arises out of the judgment passed in Original Application No.201 of 1990 delivered on March 21, 1991.

2. Grievance of the Petitioner in Original Application No.201 of 1990 was against the imposition of penalty over the Petitioner resulting from a disciplinary enquiry. The Bench did not feel inclined to quash the order of **penalty** imposed on the Petitioner and therefore, the Original Application was dismissed against which ~~the~~ review Application has been filed.

3. The grounds taken to review the judgment is that certain questions of fact could not be urged at **the** time of hearing of the original application.

4. We have heard Mr. Ganeswar Rath learned Counsel appearing for the Petitioner and Mr. Ashok Mohanty learned Sr. Standing Counsel for the Central Government. If the contention of Mr. Rath is accepted, then **virtually**, it would amount to **rehearing** of the case in regard to the factual aspects. An application under order 47, rule-1 would be entertained only when there is an error apparent on the face of record or party aggrieved wants to rely upon some new evidence which would not be unearthed before the decree was passed despite due diligence exercised by him. No such case is being put forward on behalf of the Petitioner in this Review application and therefore **the contention of Mr. Rath was vehemently opposed** by Mr. Ashok Mohanty as it does not come within the purview of order 47, rule-1 of the Code of Civil Procedure and therefore we hold that this Review application is devoid of merit and

Yours,

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hence dismissed, leaving the parties to bear their own costs.

M. Lawrence.

MEMBER (ADMINISTRATIVE)

Lawrence
26.5.92

VICE CHAIRMAN

Central Admn. Tribunal,
Cuttack Bench/K. Mohanty.
May 26, 1992.

