IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
* * *

RA 130/92 in OA 670/91   7·X·1992

Shri M.L. Thadhani Vs. Divisional Railway Manager, Central

Railway Solapur & Ors.

ORDER

The applicant, Shri M.L. Thadhani prayed for review of the judgement dt. 1.7.1992 on the ground that the said judgement contains mistakes, errors and ommisions apparent on the face of the record. This was an oral judgement delivered in presence of the learned counsel for the applicant.

As provided by Section 23(3)(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".

...2...

The applicant has stated certain facts in an argumentative manner in the Review Application and also advanced fresh arguments which is no ground for review. The short question that was considered in the judgement under review was that the applicant has made an application for voluntary retirement in writing on 5/6th May, 1989. The same was accepted and communicated to the applicant by the order dt. 15.6.1989. The applicant has filed this Original Application on 9.10.1991, i.e., two years and four months after the date of communication of the order. As observed in the judgement itself, no request was made by the applicant to withdraw the written request for voluntary retirement nor the case of the applicant falls in any of the grounds quoted above. The Review Application is, therefore, dismissed by circulation.

(J.P. SHARMA)
MEMBER (J)

(USHA SAVARA)
MEMBER (A)