

Central Administrative Tribunal
Principal Bench

RA No. 16 of 2002
In
O.A. No. 930 of 1997.

New Delhi, dated this the 1st May, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. S.L. JAIN, MEMBER (J)

In the matter of:

S. Sadasivan Vs.... UOI & Anr.

ORDER (By Circulation)

S.R. ADIGE, VC (A)

Perused RA No. 16/2002 seeking review of the Tribunal's order dated 25.1.2002 in OA No. 930/1997 S. Sadasivan Vs. UOI & Ors.

2. The main ground taken in the RA is that when OA No. 930/97 was heard, the contents of CAT Ernakulam Bench's order dated 27.4.2001 in OA No. 91/99 George Paul Vs. UOI could not be placed before the Bench and had it been placed, the Tribunal could not have dismissed the OA.

3. Review of a final order/decision of the Tribunal is governed by Section 22(3) (f) AT Act read with Order 47 Rule 1 CPC which provides that a final order/decision of the Tribunal may be reviewed.

i) when there is an error or mistake apparent on the face of record;

ii) when there is discovery of new and important matter or evidence which after the exercise of due diligence (emphasis supplied) was not within the petitioner's knowledge or could not be produced by him in court at the time the decree was passed or the order was made;

iii)any other sufficient reason, by which is meant an analogous reason.

4. Review petitioners themselves state in para V of the RA that they came to know of aforesaid order dated 27.2.2001 of CAT Ernakulam Bench in Swamy News dated February, 2002, that is after the Tribunal's order dated 25.1.2002 was passed.

5. No materials are forthcoming in the RA as to whether the Review Petitioners made any efforts to procure the aforementioned order dated 27.4.2001 before the OA came up for hearing to satisfy the "due diligence" Clause of Order 47 Rule 1 CPC quoted above. If the aforesaid order of CAT Ernakulam Bench dated 27.4.2001 came to applicants' notice for the first time only in Swamy's News of February, 2002, after the Tribunal had passed order on 25.1.2002 , manifestly it cannot be used to review the order.

6. Furthermore in D.Samuel Vs. Dr.J. Lazarns 1997(4) SCC 478 the Hon'ble Supreme Court has held that omission on the part of counsel to cite an authority of law does not amount to an error apparent on the face of the record so as to constitute a ground for reviewing a judgment.

7. In the result the RA fails and is dismissed.

Jain
(S.L.Jain)
Member (J)
/ug/

Adige
(S.R. Adige)
Vice Chairman (A)

*AS
Pr. 8*