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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 13.2.96.

PA 64/94 (OA 334/87)

Narendra Kumar Sharma

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicant

... Mr. Mahendra Shah

For the Respondents

... Mr. M.Rafiq

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

This is a Review Application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, praying for reviewing the order passed in OA 334/87 on 19.7.94.

2. We have heard the learned counsel for the parties and have gone through the records of the case.

3. The contention of the learned counsel for the applicant is that the documents Ann.A-2 and Ann.A-3, annexed to MA 674/94, have already been taken on record vide order dated 21.12.95 in MA 674/94, moved in this Review Application. The learned counsel for the respondents states that these documents were already in existence but the applicant failed to exercise due diligence in obtaining copies of the same and since he did not bring these documents to the notice of the court at the time of hearing of the said OA, he cannot now press these documents into service to take advantage of them at this stage. The learned counsel for the applicant states that these documents were not in the power and possession of the applicant and since the respondents did not disclose these documents for securing the ends of justice, the applicant cannot be faulted in the circumstances of the present case. The documents have already been taken on record in the RA. A Review Application based on identical facts has already been accepted vide order dated 12.12.94 passed in PA 61/94 and MA 619/94 in OA 564/87. In view of this position, this Review Application is accepted. The documents now produced by the applicant shall be taken on record in the OA. The respondents are directed to file additional reply, if any, in the light of these documents after suitable amendments are made by the applicant in the OA.

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The order passed in OA 334/87 on 19.7.94 is recalled. After the pleadings are complete in the said OA, the same will be heard on merits. The Review Application stands disposed of accordingly. OA may be listed for direction on 8.4.96.

(O.P. SHARMA)

MEMBER (A)

Gopak
(GOPAL KRISHNA)

VICE CHAIRMAN

VK