

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 21.6.2002

RA 14/2002 (OA 61/2001) & MA 251/2002

1. Rohit Bajaj aged 35 years son of Shri Jetha Nand Bajaj, 4 to 16 Jawahar Nagar, Jaipur.
2. Mahendra Saxena aged 35 years son of Shri J.P. Saxena, C/o 51/156, Pratap Nagar, Sanganer, Jaipur.
3. Smt. Anjula Soni wife of Shri Vijay Soni, 2614, Moti Singh Bhomid Ka Rasta, Johri Bazar, Jaipur.
4. Madhu Pareek, aged 41 years, wife of Ashok Pareek, 4781, Matka K-JB KA Rasta, Johri Bazar, Jaipur.
5. Ramavtar Jhalani son of Shri Sh. Birdhi Chand Jhalani, 65/114, Pratap Nagar, Sanganer, Jaipur.
6. Kuldeep Singh aged 40 years, son of Sh. Raghu Nath Singh, R/o Boraj House, Kishan Pole Bazar, Jaipur.
7. Ms. Purnima Sharma aged 35 years daughter of Shri Nand Lal Ji Sharma, E21, Gokhle Marg, CScheme, Jaipur.

....Applicants

VERSUS

1. The Union of India through the Secretary to the Government, Ministry of Information and Broadcasting, Government of India, New Delhi.
2. The Director General, Prasar Bharti, Bhartiya Prasaran Nigam, Doordarshan Kendra, Mandi House, New Delhi.
3. The Director, Doordarshan Kendra, Jhalana Doongari, Jaipur.

....Respondents.

CORAM

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

ORDER

PER HON'BLE MR. A.P. NAGRATH, MEMBER (ADMINISTRATIVE)

This RA has been filed with the prayer that order dated 29.11.2001 passed in OA No. 61/2001 be recalled and reviewed and additional relief as sought for in this Review



Application be granted to the applicants in addition to what has already been allowed. The review applicants have also filed an MA No. 251/2002 seeking condonation of delay in filing the RA. The RA has been filed on 29.5.2002 to review the order dated 29.11.2001.

2. Under Rule 17(i) of CAT (Procedure) Rules, it has been stipulated that no application for review shall be entertained unless it is filed within thirty days from the date of receipt of a copy of the order sought to be reviewed. The order in OA was passed in November, 2001 and as mentioned above, this RA has been presented on 29.5.2002. The reasons given by the review applicants for the delay of about five months is that they were waiting for the implementation of the order of this Tribunal by the departmental authorities, when they came to know of some additional facts, which were relevant to the relief claimed in the OA. These could not be brought before the Tribunal as these were in the custody of the respondents who are alleged to have hidden the same. The review applicants contend that they are entitled to bring these additional facts before this Tribunal to claim the additional relief on that account.

3. I find no merit in the plea taken by the applicants in this Review Application as no sufficient reasons are forthcoming to explain the delay. Plea taken for explaining the delay is just not worthy of any consideration. I, therefore, reject the request for condonation of delay. MA stands disposed of accordingly.

4. Even otherwise, considering the grounds in this application, I find that applicants are seeking review despite their OA having been allowed for the reason that they have come to know that in the select list formed in 1987, they were placed higher to some of the candidates who have been subsequently regularised and the applicants were left out. The plea of the applicants is that these facts were



not in their knowledge and they came to know about these facts in April, 2002. The applicants are now seeking to modify the relief clause of the OA by adding other prayer that they be granted the same benefit as granted to the juniors.

5. Power of this Tribunal in the matter of review of its order are akin to powers of the Civil Court and are governed by Order 47 Rule (1) of the Code of Procedure. This Rule provides that review can be done if there is an error apparent on the face of record or if there is such material fact or the point of law which could not be brought to the notice of the Tribunal despite due diligence. What the applicants are trying to convey in this application is that despite due diligence, they could not became aware about juniors having been regularised and they have been ignored in violation of the regularisation scheme of 1992. The applicants are alleging that Department had concealed this fact and now this fact has come to their knowledge, they are entitled to the additional relief. They are seeking to amend the relief clause and have prayed for re-hearing on this account. I do not see any merit in the ground advanced which could call for a review.

6. I have considered the averments in this application and find no reason for recalling or reviewing of the order dated 29.11.2001. The scope of review does not include amendment of the Relief Clause. This RA has absolutely no merit and deserves to be rejected.

7. This RA is, therefore, dismissed both on grounds of delay as also merits.

Amrit N
(A.P. NAGRATH)
MEMBER (A)