

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No. 205/2004
in
OA 1601/2003

New Delhi this the 06th day of August, 2004

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S.A.Singh, Member (A)

Abhay Raj Sharma,
S/O Late Mr. Richipal
R/O V&PO Kenganheri,
New Delhi-110071

.. Review Applicant

VERSUS

1. Union of India through
Secretary, Ministry of
Defence, South Block,
DHQ PO, New Delhi-110011
2. The Jt. Secretary (Trg.)
and CAO, Ministry of Defence,
'E' Block, New Delhi-110011
3. The Dy. CAO (Personnel), Ministry of
Defence, 'E' Block, New Delhi-11

.. Respondents

O R D E R (By circulation)

Hon'ble Shri S.A.Singh, Member (A)


Applicant has filed this Review Application (RA 205/2004) on the basis of discovery of new material which according to him, is sufficient for seeking a review of the Tribunal's order dated 12.3.2004 in OA No. 1601/2003. The review applicant has also placed on record the decision of the Apex Court in **S.B.Patwardhan Vs. State of Maharashtra** (1997) (30) SCC 399) and also the judgements of the Division Bench of this Tribunal in **Arbind Kumar and Anr. Vs. UOI & Ors.** and **MD Gunaware Vs. UOI and Ors.** Review applicant claims that the above should have been brought to the notice of the Tribunal at the time of


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hearing, but could not be done due to non-diligence by his learned counsel and these are binding precedents. He claims that these should be taken into account and the order of the Tribunal may be quashed.

2 Review is only allowed when there is an error apparent on the face of the record or discovery of new and important materials or evidence after the exercise of due diligence, were not within his knowledge or could not be produced by him at the time when the decree was passed or order made. In the present case, the applicant is trying to place on record material which could have been produced by him at the time of final hearing and as such this cannot come within the scope of discovery of new material. There is no error apparent on the face of the record. Further, the RA does not come within the ambit of Order 47, Rule 1, CPC read with Rule 22 (3)(f)(i) of the Administrative Tribunals Act.

3. In view of the above, nothing further survives in the Review Application, which is accordingly dismissed in circulation.


(S.A.Singh)
Member (A)


(Shanker Raju)
Member(J)