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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.252/2002 in OA No.2993/2001

New Delhi, this 24th day of October, 2002

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

K.S. Negi .. Applicant
(Shri Ashok Agarwal, Advocate)

versus

Union of India & Another .. Respondents

ORDER(in circulation)
Shri M.P. Singh, Member(A)

This Review Application is filed on behalf of the applicant against the judgement/order dated 16.7.2002 by which OA 2993/2001 disposed of in the following terms:

"Applicant shall respond to the letter dated 11.3.2002 immediately giving his willingness to accept the lower scale post. Thereafter respondents are directed to protect the last pay drawn by the applicant in the post of LT when he is posted and joins duty as Nursing Assistant in SSB(para medical), by grant of personal pay/special pay to him as admissible under rules. Interim order granted by the Tribunal on 2.11.2002 stands vacated".

2. Review is sought on the ground that implication of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights Full Participation) Act, 1995 which is applicable in applicant's case has not been considered by the Tribunal, resulting in error of fact of law and miscarriage of justice.

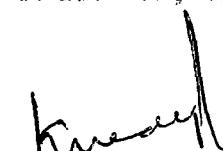
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3. As per law laid down by the Hon'ble Supreme Court in Chandra Kanta & Anr. Vs. Sheik Habib AIR 1975 SC 1500, "A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient". The present RA is filed by a different counsel raising the aforesaid ground.

4. On careful ~~X~~ perusal of the OA we find that the review applicant has nowhere taken the aforesaid ground. Therefore he cannot be allowed to take this ground at this stage. That apart, review applicant has himself stated that he has already submitted his willingness for acceptance of the post of Nursing Assistant vide his letter dated 1.8.2002 pursuant to the aforesaid judgement/order and that he has sent another letter dated 18.9.2002 requesting the respondents to consider his case for any post equal to Lab. Technician. In this view of the matter, he cannot be allowed to file the present RA on the aforesaid ground. In the result, the present RA is dismissed as not maintainable under Section 22(3)(f) of AT Act, 1985 read with Order 47, Rule 1 CPC.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)