

Central Administrative Tribunal
Principal Bench

RA 75/99

in

OA 152/99

New Delhi this the 3rd day of May, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri N. Sahu, Member(A).

Smt. Sneha Lata Applicant.

Versus

Union of India & Ors. Respondents.

O R D E R (By circulation)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

We have carefully considered the contentions of the applicant in RA 75/99 in which it has been submitted that there is apparently a mistake on the face of the record in the impugned order dated 29.1.1999 which needs to be reviewed in the interest of justice. The impugned order is a reasoned order and if the applicant is aggrieved by it, the remedy lies elsewhere by way of an appeal but the applicant cannot use the instrumentality of a review application to have the order set aside. The learned counsel for the applicant has contended that he did not submit that the order dated 31.1.1994 in O.A. 1246/88 is not in order but only that the same has not been implemented by the respondents in its true spirit because they had clubbed the applicant along with open market candidates which is against the spirit of the order. This and the other contentions advanced in the RA clearly show that the applicant is attempting to reargue the case which is not within the purview of the Review Application and it is settled law that the Review Application cannot be used as an appeal but has

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to be strictly confined to the scope and ambit of Order 47

Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985. An error which has to be established by a long drawn process of reasoning, as done in the present case, where two opinions can possibly be taken, cannot be held to be an error apparent on the face of the record. (See for example the judgements of the Supreme Court in **Meera Bhanja (Smt.) vs. Nirmala Kumari Choudhury (Smt.)** (1995 (1) SCC 170) and **Chandra Kanta vs. Sheikh Habib** (AIR 1975 SC 1500). In the garb of the Review Application, the applicant is actually seeking to appeal against the impugned order which again is not permissible.

2. For the reasons given above, the Review Application is rejected.

N. Sahu
(N. Sahu)
Member(A)

"SRD"

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)