

(68)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No. 57/98
M.A. No. 2244/98 IN
O.A. No. 273/98

HON'BLE SHRI JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

New Delhi, this the 10th day of September, 1999

D.P. SinghApplicant
(By Advocate: Shri G.D. Gupta)

Versus

Union of India & OthersRespondents
(By Advocate: Shri H.K. Gangwani for
Shri K.C.D. Gangwani)

O R D E R

[Shri R.K. Ahooja, Member(A)]

The applicant/review petitioner filed the aforesaid O.A. seeking a direction to the respondents to fix his seniority as Dy.S.P. in C.B.I. with effect from 1977 instead of 9.11.1994 when he was shown to have been absorbed in that organisation. By the order dated 3.2.1998 the O.A. was dismissed on the ground that the applicant could not claim any seniority so long as he could not claim lien on the post of Dy.S.P. in C.B.I. It was also held that the claim of seniority in 1977 was barred by limitation.

2. The present review petition goes in great detail into the claim of the applicant and seeks to show that on merit the applicant deserves the relief sought for.

3. We have also heard the counsel and have carefully gone through the review petition and the reply thereto. As rightly pointed out by the respondents, no error of fact and law patent on the face of the record has been pointed out in the impugned order of the Tribunal and

JM

the review petition appears to be only an appeal in disguise. In terms of order 47 Rule 1 of CPC, an error apparent on the face of the record would be an error which strikes one by merely looking at record and would not require any long drawn process of reasoning on points where there may conceivably be two opinions. A review does not call for reappreciating of the entire evidence and reversing the earlier finding as decided in Meera Bhanja Vs. Nirmala Kumari Choudhury AIR 1995 SC 455. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record (see Parson Devi and Ors. Vs. Sumitri Devi & Ors. JT 1997 (8) SC 480). Now the only point made by the applicant in his review petition is that on the day the O.A. was finally heard, he could not be present in the court to advise and instruct his counsel. The O.A. was argued by the applicant's learned counsel. He was properly and duly authorised to speak for the applicant. It cannot, therefore, be said that hearing the arguments of the counsel in the absence of the applicant resulted in patent injustice.

4. In his arguments the learned counsel for the applicant has sought to go over the same ground as in the O.A. M.A. No.2244/98 has also been filed enclosing certain documents in support of the claim of the applicant. The omissions and mistakes of the applicant in making inadequate or ineffectual presentation in the O.A. cannot be a ground for reconsideration by way of a review.

5. Finding no merit in the R.A., it is accordingly hereby dismissed.

R.K. AHOOJA
(R.K. AHOOJA)
MEMBER (A)

K.M. AGARWAL
(K.M. AGARWAL)
CHAIRMAN