

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

Dated : 19-7-95

R.A 180/95 in
O.A 1000/94

1. Shri Mahipal Arora
S/o Sh. Babu Ram Arora
2. Shri Chaudhry Ram
S/o Sh. Sewa Ram
C/O Sh. Sant Lal Advocate
C-21 (8), New Multan Nagar,
Delhi-110056

... Applicants

Versus

1. Union of India, through the Secretary,
Ministry of Communications,
Department of Telecommunication,
Sanchar Bhawan, New Delhi-1
2. The Chief General Manager, Northern
Telecom Region,
Dept. of Telecommunication,
Kidwai Bhawan, New Delhi-50
3. The Chief Superintendent,
Central Telegraph Office,
Eastern Court, New Delhi-50

... Respondents

ORDER (BY CIRCULATION)

This is a Review Application No. 180/95

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filed by ¹⁸⁰ ~~amend~~ the applicants in O.A. No. 1000/94
seeking review of the judgment dated 16.5.1995.

The applicants state that there are certain
errors of facts and law apparent on the face of
the record which needs to be reviewed.

2. Para 3(a) is allowed. Para 9 in the judgment
should be renumbered as para 8.

3. Rest of the paragraphs in para 3 of the
Review Application deal with the decision in the
case in which the applicants have submitted that there

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is error. The judgment was delivered after hearing both the parties at considerable length and gives the reasons therein for dismissing the O.A. In this paragraph, the applicant has attempted to re-argue the case on the plea that there are alleged errors in the judgment i.e. in the conclusions/ findings reached on the basis of the pleadings and other materials on the records. In the garb of a review petition, which has to be within the ambit of the provisions of O. 47, Rule 1 CPC, what the applicant is actually trying to do is to seek an ^{an} appeal against the impugned judgment, which he cannot do. (see the judgment of the Supreme Court in Chander Kanta v. Sheikh Habib (AIR 1975 SC 1500) and A.T. Sharma v. A.P. Sharma (AIR 1974 SC 1947)).

4. The applicant has once again referred to the material and cases which have already been referred to in the judgment and has submitted that the judgment is erroneous because the applicant has argued that the decision should be otherwise. No new ground has been taken in the Review Application which could not have been argued before the judgment was pronounced. It is well settled law that a review application cannot be equated with the original hearing of the case and the finality of the judgment delivered by the court cannot be reconsidered except where a glaring omission or patent mistake or

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grave error has crept in. The ground taken in the Review Application is actually seeking reconsideration of the order passed in the aforesaid O.A. which is not the scope of a review application.

5. In view of the above, I do not find any merit in the Review Application and it is accordingly liable to be rejected.

6. Subject to the corrections indicated in para 2 above, this Review Application is dismissed.

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