

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 93/94
in
D.A. No. 174/94

66

New Delhi this day the 23rd March 1994

The Hon'ble Mr. J.P. Sharma, Member (J)
The Hon'ble Mr. B.K. Singh, Member (A)

Association of Graduate Engineers,
(Regn. No. S-22589 of 1992)

Civil Construction Wing,
All India Radio,
Ministry of Information and Broadcasting

through its General Secretary,
Shri R.K. Dua,
Son of Shri D.K. Dua,
Resident of D-245 Vivek Vihar,
Delhi-110 092.

... Applicants

(By Advocate Shri B.B. Rawal)

Versus

1. Union of India,
through its Secretary,
Ministry of Information & Broadcasting,
Govt. of India, Shastri Bhawan,
New Delhi.

2. The Director General,
All India Radio,
Akashwani Bhawan,
Sansad Marg, New Delhi-110 001.

3. The Secretary,
Union Public Service Commission,
Shahjahan Road, New Delhi-110 011.

4. The Association of Engineering Staff,
Civil Construction Wing,
through its Secretary,
Shri Dharmendra Kumar,
Jr. Engineer Civil Construction Wing,
All India Radio, Soochana Bhawan,
CGO Complex, Lodi Road,
New Delhi.

... Respondents

(By Advocate Shri P.H. Ramchandani)

Hon'ble Mr. J.P. Sharma, Member (J)

O R D E R

The applicant has prayed for reviewing the order dated 16.2.1994 passed on the prayer on the interim relief prayed in the original application

in para 9 whereby it was prayed that an interim direction be issued to the respondents to hold the impugned promotion of ineligible diploma holder (Assistant Engineers) from Serial Nos. 15 to 34 mentioned in the memo dated 17.12.1993, and further another direction to the respondents not to amend the recruitment rules of 28.3.1988 for the post of Executive Engineer and further in spite of the matter be subjudiced the respondents to go on promoting eligible graduate Assistant Engineers as and when they go on completing eight years qualifying service.

2. That prayer for interim relief was disposed of by the order under review. We have gone through the various points raised in the Review Application, and these points are nothing but the arguments which have already been considered in the impugned order. There is no error apparent on the face of the order which should call for an interference. The Review Application, therefore, does not make out a case for review in view of the following observations by the Hon'ble Supreme Court in the case of Chandra Kanta & Anr. Vs. Sheikh Habib AIR 1975 SC P 1500 which is reproduced below:

"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 new overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient."

Again, the Hon'ble Supreme Court in the case of Aribam Tuleshwar Sharma Vs. Aribam Pishak Sharma

and Ors. 1979 SC P 1407 has observed as follows:

"The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court".

A Review Application, therefore, ~~as~~ no merit and is therefore dismissed by Circulation.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

Mittal