

Central Administrative Tribunal
Principal Bench.

RA 12/97
in
OA 2231/94

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New Delhi this the 6th day of February, 1997

Hon'ble Shri S.R. Adige, Member(A).

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

Pawan Kumar Sharma

... Applicant.

Versus

Union of India & Ors.

... Respondents.

ORDER (By circulation)

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

This is a Review Application (RA 12/97) filed by the applicant seeking review of the order dated 15.11.1996 in O.A. 2231/94.

2. After careful perusal of the Review Application, we are satisfied that the same can be disposed of under Rule 17(iii) of the CAT (Procedure) Rules, 1987.

3. The applicant claims that as there are errors apparent on the face of the record of the judgement under the provisions of Order 47 Rule 1 CPC, the same should be reviewed. The Review Application which runs to over 10 pages alleges, inter alia, that the Tribunal has not put the respondents to strict proof, and certain observations of the Tribunal are claimed to be contrary to the facts of the case because the applicant has himself proved by the respondents' documents that he was sponsored and medically examined by the respondents for going on deputation to RITES and IRCON. The applicant has also further submitted that he may be permitted to remind the Tribunal that his counsel, during the course of arguments, had made a categorical statement that

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the payment under question has not been released till date. Yet another error according to the applicant is to the effect that only interest @ 12% instead of 18% has been granted from the date of filing of the O.A. as according to him the respondents have submitted that arrears have not been worked out. Further arguments have also been advanced in the RA alleging that there are errors regarding promotion and taking of the trade test. References have been made to certain paragraphs of the pleadings to buttress the arguments. He has also alleged that not only a number of documents were shown but they were read out in detail, but despite that a serious error has crept in the judgement regarding the due seniority given to the applicant. In view of these so called errors in the RA, the applicant has prayed that the order must be reviewed.

4. In A.T. Sharma Vs. A.P. Sharma & Others, AIR 1979 SC 1047, the Supreme Court 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".

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5. A perusal of the contents of the Review Application makes it clear that in the guise of the prayer in the review application what the applicant is attempting is to seek an appeal and reargue the matter. The judgement/order is a detailed and reasoned one after hearing both the parties at considerable length. If the applicant is aggrieved that the decision is wrong, then the remedy lies by way of appeal and not in ^a Review Application. No error apparent on the face of the record, as alleged, by the applicant is there in the impugned order which justifies review of the same. The so called errors are no errors at all but are the conclusions/findings reached by the Tribunal based on the pleadings and other materials placed on record.

6. For the reasons mentioned hereinabove, the Review Application is dismissed.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

S.R. Adige
(S.R. Adige)
Member(A)

'SRD'