

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

Dated: June 7, 1995.

HON'BLE MR. S.R.ADIGE, MEMBER(A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J)

1) R.A.No.113/95

in
O.A.No.1689/94.

2) R.A.No.118/95 in O.A.No.1859/93.

Shri Dharampal,
UDC, Estt-VII CWC,
New Delhi-66

.....Applicant.

Versus

Shri Surinder Singh,
Cabinet Secy. &
Shri P.C.Kanna,
Addl. Legal Advisor,
M/o Law and Justice,
Shastri Bhawan,
New Delhi
AND

other Govt. Employees

....Respondents.

ORDER(BY CIRCULATION)

BY HON'BLE MR. S.R.ADIGE, MEMBER (A).

These are two review applications bearing Nos.113/95 and 118/95 both filed on 19.4.95 by Shri Dharampal praying for review of common judgment dated 8.3.95 disposing of O.A.No.1689/94 Shri Dharampal Vs. Shri Surinder Singh, Cabinet Secy. & others; and O.A.No.1859/93 Shri Dharampal Vs. UOI & others respectively.

2. Both the review applications are being disposed of by this common order.

3. In both the review applications, the petitioner Shri Dharampal has described the impugned judgment as 'wrong'. If the applicant has any grievance in respect of the impugned judgment, it is open to him to appeal against the same in accordance with law. He cannot use the instrument

of a review application to file what is essentially an appeal against the impugned judgment, which was delivered after hearing both parties and perusing all the available materials on record. The scope and ambit of a review application is limited by the provisions of Order XXXVII Rule 1 CPC and a plain reading of the grounds taken in the two review applications make it abundantly clear that none of them bring it within the four corners of Order XXXVII Rule 1 CPC.

4. In A.T.Sharma Vs. A.P.Sharma & others- AIR 1979 SC 1047, the Hon'ble Supreme Court has held

"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."

5. Similarly in Chandra Kanta & another Vs. Sheik Habib - AIR 1995 SC1500, it has been held by the Hon'ble Supreme Court that

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

6. Again in Thungabhadra Industries Ltd. Vs. The Govt. of Andhra Pradesh- AIR 1964 SC1372, the Hon'ble Supreme Court have held:-

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"A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."

7. In view of the above, these two R.As are rejected by this common order. Let copy of this order be placed on the records of both the R.As.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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