

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA NO.182 OF 1996
& RA NO.181/96(M.A.No.2079/96)
IN
OA NO.132/96

HON'BLE MR. R.K. AHOOJA, MEMBER (A)

New Delhi, this 27th day of October, 1996.

1. Shri Amitabh Kumar & Son.
s/o Shri Ambika Prasad working
as LDC in Cabinet Secretariat
NEW DELHI.
r/o at Sector III/1075 R.K. Puram
New Delhi.
2. Shri Ambika Prasad
s/o Shri Gopi Nath
retired as Section Officer from
Cabinet Secretariat
NEW DELHI.
r/o Sector III/1075 R.K. PURAM
New Delhi. ... Applicants

(By Shri B. Krishnan, Advocate)

Vs.

1. Director of Estates & A.
Directorate of Estates
4th Floor C Wing
Nirman Bhawan
New Delhi.
2. The Estate Officer
Directorate of Estates
4th Floor, C Wing
Nirman Bhawan
New Delhi. Respondents
(By Ms. Aparna Bhatt, Advocate)

ORDER (By Circulation)

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

I have carefully considered the Review Petition No.182/96 and 181/96 in OA No.132/96. The petitioner states that certain errors are apparent on the face of record. The first one it is stated is the view wrongly taken that policy and guidelines on the subject of regularisation/ad hoc allotment of residences do not provide for allowing the retiree to continue in the earlier accommodation till such time the alternative is allotted in the name of the dependent relation of the

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retiree. I find that this view is taken by the Tribunal for the reasons stated in the Order and does not amount to an error patent on the face of the record. The Petitioner further states that he will be able to show authorities holding the contrary view. The Tribunal may be wrong in its interpretation but a review is not called for on the ground that the decision was erroneous on merits. The petitioner also states that the Tribunal has not appreciated the judgement in OA 413 of 1994 (R.P.SHARMA Vs. UOI) in its right perspective. This again is a matter of appellate jurisdiction rather than review jurisdiction. Similarly, the petitioner states that the spirit of the OM dated 27.8.87 has not been appreciated by the Tribunal, nor the Tribunal has appreciated the conduct of the respondents in the matter of considering the request of the applicant No.1. Both the import of the OM dated 27.8.87 as applicable to the present case as well as the conduct of the respondents in the matter of considering the request of the applicant have been gone into in the Order sought to be reviewed. Thus, no new aspect has been brought up by the Petitioner.

2. It has been held by the Supreme Court in Aribam Tuleswar Sharma Vs. Aribam Pishak Sharma (AIR 979 SC 1047) that 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. However, the power of review may not be exercised on the ground that the decision was erroneous on merits since that would be the province of a court of appeal. In AIR 1975 SC 1500 (Chandra Kanta and Anr. Vs. Sheik Habib),

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it was held that a mere repetition of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient for the review of a judgement. In this petition, the grounds adduced are nothing but a reiteration of arguments advanced by the applicant/petitioner in the Original Application and merely expresses a disagreement with the findings of the Tribunal. But a remedy for this, as has already been mentioned, lies elsewhere and not through a Review Petition.

3. I therefore find no merit in the Review Petition No. 182/96 which is hereby dismissed.

4. In view of the above, RA No. 181/96 (M.A. No. 220791/96) also stands disposed of as dismissed.


(R.K. Anooja)
Member(A)

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