

Central Administrative Tribunal  
Principal Bench

RA 135/98  
in  
OA 161/97

New Delhi this the 14th day of July, 1998

Hon'ble Shri S.R. Adige, Vice Chairman(A).  
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Ms Amita Sood

Applicant.

Versus

Union of India & Ors.

Respondents.

O R D E R (By circulation)

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

We have carefully perused the Review Application (RA 135/98) filed by Shri R.P. Agarwal, learned counsel on behalf of the original respondents in O.A.161/97. The applicants in the review application have sought review of the impugned order dated 6.5.1998. They have submitted that as per the directions of the Tribunal, they have issued O.M. dated 17.6.1998 to the Ministry of Surface Transport under whose jurisdiction Border Roads Development Board falls, to appoint the applicant in Border Roads Engineering Service. However, they have submitted that they have expressed their inability to appoint the applicant in BRES, on the ground that the General Reserve Engineering Force (GREF) personnel have been declared an integral part of the Armed Forces. They have, therefore, submitted that the impugned order has been passed without considering the material fact and they have brought on record the Recruitment Rules, 1977 for the Engineering Force in Border Roads Organisation. Rule 3 provides that from the date of commencement of these Rules, there shall be constituted a Central Civil Service within the General Reserve Engineer Force to be known as the Border Roads Engineering Service Group 'A'.

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2. From the rules mentioned above, it is seen that Border Roads Engineering Service Group "A" is a Central Civil Service constituted within the General Reserve Engineer Force and the contention of the applicants that that service is, therefore, within the Armed Forces is untenable. These arguments had been advanced by Shri P.S. Mahendru, learned counsel and duly considered before the impugned order was passed. The attempt of the review applicants through another counsel to place before the Tribunal reliance on some judgements will not in any way bring the review application within the provisions of Section 22(3) (f) of the Administrative Tribunals Act, 1985 read with the principles laid down under Order 47 Rule 1 CPC. In Chandra Kanta & Anr. Vs. Sheik Habib (AIR 1975 SC 1500), the Supreme Court has held that 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. It is settled law that the Review Application cannot be used as if it is an appeal to reargue the case on pleas which have been considered and rejected.

3. In view of the above, Review Application is rejected.

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

Adige  
(S.R. Adige)  
Vice Chairman(A)

"SRD"