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Central Administrative Tribunal
Principal Bench.

RA 155/96
in
OA 1067/95

New Delhi this the ^{September} 2nd day of ~~August~~, 1996.

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

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

M. Ramachandran,
Deputy Registrar (Ad hoc),
CAT, Mumbai Bench,
Mumbai.

..Applicant.

Versus

1. Shri Govind Ballabh,
Deputy Registrar,
CAT, Principal Bench,
New Delhi.
2. Union of India
through the Secretary,
Department of Personnel & Training,
Govt. of India, North Block,
New Delhi.
3. Central Admn. Tribunal,
through Registrar, Principal Bench,
Faridkot House,
New Delhi.
4. Delhi High Court through
Registrar,
Shershah Suri Road,
New Delhi.
5. Shri Ramnath Panda,
6. Shri K. Rajaram,
7. Smt. V.P. Kamalamma, (S.No.5 to 10 all ad hoc
Dy. Registrars, CAT)
8. Shri N.N. Pradeep,
9. Shri V.K. Bawa,
10. Shri A.K. Ajmani.

..Respondents.

ORDER (By circulation)

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

This is a Review Application filed under Section
22(3)(f) of the Administrative Tribunals Act, 1985 for review

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of the order in O.A. 1067/95 dated 10.7.1996.

2. We have considered the Review Application and the grounds taken therein for reviewing the impugned order but are unable to accept the same as they do not fall within the scope and ambit of ~~the Review Application~~ under the provisions of Order 47 Rule 1 CPC. The applicant has submitted that he is highly aggrieved and dissatisfied with the final orders because of error of rule or law apparent on the face of the record. On perusal of the RA, it is seen that the applicant is fully aware of the limited scope of the Review Application and in order to somehow bring the application within its purview, he alleges that there are "errors" on the face of the record whereas they are not at all errors but findings and conclusions reached after hearing the learned counsel for the parties. What the review applicant actually wants is to reargue the whole case. In this regard, ~~the judgement of~~ the Hon'ble Supreme in the case of Smt. Meera Bhanja Vs. Smt. Nirmala Kumari Choudhary, JT 1994(7) SC 536, quoting an earlier judgement in the case of Satyanarayan Laxminarana Hegde & Ors. Vs. Mallikarjun Bhavanappa Tirumale (AIR 1960 SC 137), observed in connection with an error apparent on the face of the record as follows:

"An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari

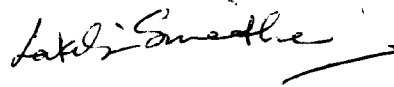
according to the rule governing the powers of the superior court to issue such a writ".

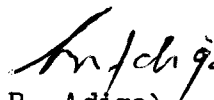
3. A perusal of our judgement which is a detailed one giving reasons for the conclusions arrived at would show that the judgement has been delivered after hearing all the parties at considerable length and the so called errors alleged by the review applicant are, in fact, no errors at all but our conclusions and findings which have been reached on the basis of the pleadings and the other material placed on the record. On perusal of the Review Application, it is further apparent that long arguments have been advanced which actually are in the form of an appeal against the judgement. If the review applicant is aggrieved by our judgement, then the remedy lies elsewhere in accordance with law, that is by way of appeal and the Review Application cannot be resorted to for this purpose in the guise of allegations that there are errors on the face of the record.

4. In para 15, the applicant has also alleged that the Tribunal has considered the rejoinder filed by the original applicant (Respondent-1 herein) against the replies filed by the respondents, including the petitioner. He states that a copy of this rejoinder was never delivered to him and, therefore, there has been violation of principles of natural justice on which ^{alone} he feels the O.A. should have been dismissed. The applicant has filed rejoinder to the short reply of Respondent No. 2 on 22.6.1995 and rejoinder to the reply of Respondent No. 2 on 4.3.1996. From the

records, it appears that the applicant-Respondent No.5 has not been present either in person or through counsel on any of the hearing dates. The case of Respondent No.2, namely, the Central Administrative Tribunal, through Registrar, Principal Bench, New Delhi, is the same as that of the other private respondents, including the present applicant and the decision of the Court was rendered after hearing lengthy arguments of all the learned counsel for the parties, including Respondent No.2. In the circumstances, the review applicant has also failed to show how the rejoinder filed by the applicant to the reply filed by Respondent No.2 has prejudicially affected him (see observations of the Supreme Court in Managing Director, ECIL, Hyderabad Vs. B. Karunakar, JT 1993(6) SC-1 wherein it has been held that the Court/Tribunal should not mechanically set aside the order of punishment and should consider whether in fact prejudice has been caused to the employee or not on account of alleged violation of the principles of natural justice in denial to supply a copy of the report. Hence, this ground is also not tenable.

5. For the reasons given above, there is no merit in this Review Application and it is accordingly dismissed.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Member(A)

'SRD'