

Central Administrative Tribunal
Principal Bench

RA 213/96

in

OA 1151/95

18

New Delhi this the 24th day of January, 1997.

(4)

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

Shri C.P. Singh,
son of Late Shri P.N. Singh,
working as a peon in the National
Archives, Janpath, New Delhi
and residing at 2/18, DMS Colony,
Hari Nagar, New Delhi.

...Review Applicant.

By Advocate Shri S.N. Shukla.

Versus

1. Union of India through the
Director of Estates,
Directorate of Estates,
Nirman Bhawan, New Delhi. ...Respondents.
2. The General Manager,
Delhi Milk Scheme,
Ministry of Agriculture,
West Patel Nagar, New Delhi.

ORDER (By circulation)

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

This Review Application (RA 213/96) has been filed impugning the order dated 14.10.1996 in O.A. 1151/95.

2. Paragraphs 5 to 7 of the Review Application refer to the impugned judgement and it has been submitted that 'what was required by the Single Bench while deciding the O.A. No. 1151/95 was to direct the respondents to consider the allotment of quarter to the applicant. The entitlement of the quarter has already been decided by the Division Bench of this Hon'ble Tribunal. The consideration for the Respondent 1 was whether to allot entitled type of quarter or the next below type'. In Para 8, submits that the impugned judgement/order dated 14.10.1996 is against the law in the cases mentioned therein. A careful perusal of the Review Application shows that what the applicant is attempting to do is to reargue the case on merits which cannot, therefore, fall under the scope of review. In A.T. Sharma Vs. A.P. Sharma & Others (AIR 1979 SC 1047), it has been held:

YB.

(V)

"The power of review may be exercised on the discovery of new and important matter of 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".

3. It is settled law that the Review Application does not lie merely because the applicant feels that the decision is erroneous for which the remedy lies elsewhere. Since no error apparent on the face of the record has been pointed out which justifies review of the decision, this Review Application is dismissed.

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

'SRD'