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Central Administrative Tribunal, Principal Bench

R.A.No.35/96 in O.A.No.1682/95

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 29th day of January, 1997

Shri R.S.Sagar  
s/o late Shri S.R.Sagar  
r/o D-72, Gali No.3  
Laxmi Nagar  
Delhi - 110 092.

... Applicant

(By Shri V.K.Rao, Advocate)

Vs.

Union of India, through

1. Secretary  
Ministry of Urban Development  
Nirman Bhawan  
New Delhi.

2. Director General of Works.  
Central Public Works Department  
Nirman Bhawan  
New Delhi.

... Respondents

(By Shri B.Lall, Advocate)

O R D E R (Oral)

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

This is a Review Application No.35/96 filed by the original applicant for review of the order dated 11.1.1996 in O.A.No.1682/95.

2. We have perused the Review Application and the reply thereon as well as the rejoinder and have heard the learned counsel <sup>for</sup> both parties.


3. The learned counsel for the applicant has submitted that there is an error apparent on the face of record in the order of 11.1.1996 inasmuch as proper consideration has not been given to the judgment of the Supreme Court in Shri Parvez Qadir Vs. Union of India & Others (SLR 1975(1) SC 4). He submits that since this case, which had been followed by the Rajasthan High Court in O.P.Sharma Vs. United Commercial Bank, 1993(8) SLR 693, has not been properly considered, hence this

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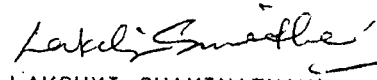
itself is an error which calls for a review of the impugned order. Shri B.Lall, learned counsel for the respondents has on the other hand, relying on the provisions of order 47, Rule 1 of the CPC submitted that the aforesaid argument cannot be considered as an error apparent on the face of the judgment which calls for any review. He has therefore, prayed that the RA may be rejected.

4. After careful consideration of the facts and the submissions made by the learned counsel, we are unable to agree with the submissions made by Shri V.K.Rao, learned counsel for the applicant, that the aforesaid judgment has not been considered. In para 9 of the impugned order, reference has been made to the judgment of the High Court and the impugned judgment itself has been delivered after hearing the learned counsel at length. What has been referred to by the learned counsel as an error is not an error which is apparent on the record as submitted, but the conclusions arrived at based on the relevant materials placed on record and as perceived by the Bench. If the applicant is aggrieved that the decision is wrong, the remedy lies by way of appeal to the Hon'ble Supreme Court but a review application does not lie. On a perusal of the Review Application, it appears that since the applicant was aware of the limited scope of the RA it has been alleged that there has been an error, while what he is actually attempting to do is reargue to the whole case, which cannot be sustained.

5. For the reasons given above, we do not find any merit in this Review Application. The same is therefore, rejected.

  
(R.K. AHOOJA)  
MEMBER(A)

/avi/

  
(MRS. LAKSHMI SWAMINATHAN)  
MEMBER(J)