

RA No.175/1994 in OA 1873/1993

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New Delhi, this 27th day of January, 1995

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Vineet Kumar Sharma  
c/o Shri Ramesh Chand Sharma  
H.No.1446, Block J, Jahangirpuri  
New Delhi

.. Applicant

By Ms. Raman Oberoi, Advocate

VERSUS

Union of India, through

1. General Manager  
Northern Railway  
Baroda House, New Delhi

2. Divisional Railway Manager  
Northern Railway, Moradabad  
By Shri K.K.Patel, Advocate

.. Respondents

ORDER

Shri P.T. Thiruvengadam, Member(A)

This review application has been filed for a review  
of the order passed on 25.3.94 in OA 1873/93.

2. OA 1873/93, which dealt with compassionate  
appointment, was disposed of with the following order:

"Though it is not the matter of right for the  
applicant to claim compassionate appointment as the  
respondents have already considered the case,  
however, in view of the submission made at para 6  
of the written arguments dated 23.3.94 that the  
administration will be prepared to reconsider his  
case, but only subject to the rules about  
compassionate appointments, the applicant is  
directed to make a representation to the  
respondents claiming the above reliefs within a  
period of 15 days and the respondents after receipt  
of the same may reconsider the case in accordance  
with the rules and dispose of the representation,  
as expeditiously as possible, but preferably within  
a period of three months from the date of receipt  
of the representation."

3. The learned counsel for the applicant in the review petition argued that some of the arguments advanced at the time of final hearing of the OA, particularly the arguments included in the rejoinder, have not been taken into account while disposing of the OA. It was mentioned that the applicant is the defacto male member available for employment as 5 elder sisters are married, guidelines dated 7.8.91 should not be applied retrospectively and that the guidelines of 7.8.91 are more stringent.

4. It *is* not necessary for me to go into the above issues since the order passed in the OA is only to the effect that the respondents may reconsider the case of compassionate appointment in accordance with the rules and dispose of the representation as expeditiously as possible but preferably within a period of 3 months from the date of receipt of the representation. In the face of this direction to dispose of the representation in accordance with the rules, there is no need for me to discuss the merits of the issue. Even otherwise, a review petition can not be filed for reagitating and reemphasising the same issues raised in the main application.

5. A review of a judgement is a serious step and reluctant resort to it is proper only when a glaring omission or patent mistake or like grave error has crept

in earlier by judicial fallibility. A mere repetition of old and overruled arguments, a second trip over ineffectively covered ground or minor mistake of inconsequential import are obviously insufficient (AIR-1975-SC-1500 - Chandra Kant & Anr. Vs. Sheik Habib).

6. Consideration of a review petition is also circumscribed within the four corners of order 47, rule 1 CPC wherein the jurisdiction to review has been prescribed. In this case, the applicant has not pointed out any mistake or error apparent on the face of the record or has not brought out any new or important matter or evidence or any analogous ground.

7. In the circumstances, the RA is dismissed. No costs.

*P.T.Thiruvenkadam*  
(P.T.Thiruvenkadam)  
Member (A)

/tvg/