

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

(43)

R.A. 275/1995
in DA No. 382/1993

15-11-95-

Hon'ble Shri N.V.Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri S.P.S. Dhaka,
s/o Shri Baru Singh,
r/o Quarter No. 573, Sector IV,
R.K.Puram, New Delhi-110022

(By Advocate Shri B.B.Raval)

... Review Applicant

Vs.

1. Union of India
through the Secretary,
-Ministry of Agriculture
and Cooperation,
Government of India,
Krishi Bhawan, New Delhi.
2. The Secretary,
Union Public Service Commission,
Government of India,
Dholpur House,
Shah Jehan Road,
New Delhi.
3. Shri S.K.Dalal,
Senior Extension Officer,
Directorate of Extension,
Ministry of Agriculture and
Cooperation, Govt. of India,
I.A.S.R.I. Campus,
Pusa, New Delhi.

... Respondents

ORDER (BY CIRCULATION)

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

The applicant has filed this Review Application No.275/95 seeking review of the judgment in DA 382/1993 dated 30-8-1995. We have seen the R.A. and we are satisfied that the same can be disposed of by circulation under Rule 17(iii) of the CAT(Procedure) Rules, 1987 and we proceed to do so.

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2. On careful perusal of the Review application, we note that the applicant is aware of the limited scope of the review application which can only be entertained if it comes within the provisions of Order 47, Rule 1, CPC. In order to bring the R.A. within the ambit of Order 47 Rule 1 CPC, the review applicant has alleged that we have committed certain 'errors' which are apparent on the face of the records/judgment and (b) that he has discovered new information/documents which were not in his knowledge/possession at the time of arguments, despite due diligence.

3. In sub para (A) to (F) of the R.A., arguments have been advanced to support the/there are errors apparent on the face of the record. It is stated that the observations made in the judgment regarding relevant rules/guidelines is erroneous. He has also reiterated the arguments regarding the question of educational qualifications which have been prescribed for the post of Senior Extension Officer. He has also argued that the post of Senior Extension Officer is a non technical post and how non-acceptance of the arguments put forward by the learned counsel for the applicant amounts to violation of the fundamental right of the applicant under Articles 14 and 16 of the Constitution. It is further clear from sub-paragraph (C) that the arguments advanced in the R.A. are the same as already put forward during the course of arguments at the time when the D.A. was heard. These points have been fully

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discussed and dealt with in paragraphs 3 to 12 of the judgment which has been delivered after hearing both the parties at considerable length and perusing the records. We are of the view, that the arguments advanced by the applicant in the R.A. on the alleged ground that are errors apparent on the face of the record are no errors at all, but our reasoning/conclusions reached in the judgment based on the relevant material on record and arguments advanced by the learned counsel. There are no errors apparent on the face of the record so as to bring the R.A. within the scope of the provisions of Order 47 Rule 1 CPC. What the applicant is actually trying to do in the garb of the R.A. is to seek an appeal against the judgment, which the Supreme Court ^{has} in a catena of judgments held that it was not permissible. (See Chandra Kanta v. Sheikh Habib (AIR 1975 SC 1500), Thungabhadra Industries Ltd v. Govt. of Andhra Pradesh (AIR 1964 SC 1372) and A.T. Sharma v. A.P. Sharma & Ors. (AIR 1974 SC 1047). The applicants' grievance is that the order dated 30.8.95 is erroneous but that cannot be a ground for review of the order.

4. Regarding the second ground raised in the R.A., namely, that the applicant has now come to know that the respondents themselves have made a proposal to amend the amended Recruitment Rules so as to restore them to the original position, whereby the educational qualification for the post of Senior Extension Officer is proposed as Graduation in Agriculture, instead of Post Graduation in Agriculture, this will also not assist the applicant in the R.A.

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If as claimed the Recruitment Rules are further amended, the applicant may be considered for the promotion as SEO in accordance with these provisions but that by itself does not warrant any review of the judgment dated 30.8.1995 at this stage.

5. In the light of the above facts and circumstances the Review application is dismissed.

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J) 15/11

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(N.V. Krishnan)
Acting Chairman

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