

28

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

R.A.NO.342/94

IN

O.A.No.2393/93

New Delhi 15 // October, 1994.

HON'BLE MR.S.R.ADIGE, MEMBER(A)

Shri Ajit Kumar Senapati,  
s/o Late Shri Bishnu Peda Senapati,  
r/o Vill. Gobindnagar,  
Post: Sekandari,  
Distt: Midnapur (West Bengal) ....Applicant.

Versus

1. Union of India through  
the Secretary to the Govt. of India,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi-110 011.
2. The Director of Estate,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi -110011.
3. The Assistant Estate Manager,  
Ministry of Urban Development,  
N.H. IV,  
Faridabad (Haryana)
4. The Plant Protection Adviser to  
Government of India,  
Directorate of Plant Protection,  
Quarantine & Storage,  
N.H. IV, Faridabad (Haryana) ....Respondents.

ORDER (BY CIRCULATION)

In this application bearing No.342/94,  
filed by Shri Ajit Kumar Senapati on 23.9.94, a  
prayer has been made to review the judgment dated  
3.8.94 in O.A.No.2393/93 Ajay Kumar Senapati Vs. UOI.

2. Under Order 47 Rule 1 CPC, a decision/  
judgment/order can be reviewed only if;

- i) it suffers from an error apparent  
on the face of the record;
- ii) new material or evidence is  
discovered which was not within  
the knowledge of the parties or  
could not be produced by that

party at the time the judgment was made, despite due diligence; or

iii) for any sufficient reason construed to mean analogous reasons.

3. A perusal of the contents of the review application makes it abundantly clear that in the guise of a prayer for review, what the applicant is actually seeking is to appeal against the impugned judgment. The impugned judgment is a <sup>which discloses no error apparent on the face of the record and the</sup> detailed and reasoned one, in which each of the points raised by the applicant have been discussed at considerable length, before recording a finding rejecting the application. It does not appear necessary to repeat the contents of the review application, but manifestly it is hit by a whole catena of judgments which clearly distinguish between the scope of review and that of appeal.

4. Thus, in 'A.T.Sharma Vs. A.P.Sharma & others' AIR 1979 SC 1047, it has been held:

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

5. Similarly in Thungabhadra Industries Ltd. Vs. The Government of A.P.-AIR 1964 SC 1372, it has been held that ' a review is by no means an appeal in disguise.' Similarly, in Chandra Kanta

20

-3-

has been held:

"A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient!"

6. For the above reasons, the review application is rejected.

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(S. R. ADIGE)  
MEMBER (A)

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