

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

This document is processed by PDF Replacer Free version. If you want to remove this text, please upgrade to **PDF Replacer Pro**.
<https://PDFReplacer.com>

RA 106/99 in
OA 1223/1993

20

New Delhi this the 19 th day of May, 1999.

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

In the matter of

Shri H.L. Sharma
S/O Shri K.D. Sharma
R/O Block II/18 (Type-III),
Probyn Road, Delhi.

...Applicant

Versus

1. The Chief Secretary,
Delhi Administration,
5, Alipur Road, Delhi.
2. The Director,
Technical Education,
Delhi Administration,
Rouse Avenue, New Delhi.
3. The Principal,
Aryabhat Polytechnic
G.T. Karnal Road,
Azadpur, Delhi-33
4. Ministry of Human Resource
Development, Through Secretary
Department of Education
(Tech. Wing),
Shastri Bhavan, New Delhi.
5. Shri Ram Dass,
R/O 690, MIG Flats, West of Loni Road
Shahdara, Delhi-32.
6. Shri S.C. Mittal
SSS, School Block Shakarpur,
New Delhi-92

...Respondents

ORDER (BY CIRCULATION)

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

We have carefully considered the grounds taken in
Review Application seeking review of the order dated 19.3.99
passed in OA 1223/93 and ^{to} re-hear the entire case on merits
by giving full opportunity to the parties to advance their
arguments.

2. One of the grounds taken is that Review Applicant was
given an impression that his ^e _{relief} ^{he} were legitimate and / did not

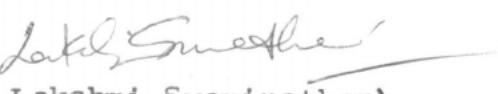
21
advance his arguments on various points in the OA. He has also

This document is processed by PDF Replacer Free version. If you want to remove this text, please upgrade to **PDF Replacer Pro**.
<https://PDFReplacer.com>

stated that the applicant has come out with the impression that the Tribunal was fully convinced by his claims and the points in the OA would be fully considered. He states that he was shocked by the reading of the impugned order which has, however, not taken into account the pleadings in the OA as well as submissions and the relevant records.

3. It is seen from the various paragraphs of the RA that the applicant has tried to re-argue the case on certain assumptions he has made but he has failed to show any errors apparent on the face of the record. In the garb of the Review Application what the applicant actually seeks is an appeal against the impugned order, which he cannot do. The instrumentality of a review application cannot be used as/in ^{an appeal} disquise as held by the Supreme Court in a catena of judgements (See Thungabhadra Industries Ltd. Vs. Govt. of Andhra Pradesh (AIR 1964 SC 1372); A.T. Sharma Vs. A.P. Sharma (AIR 1974 SC 1047 and Smt. Meera Bhanja Vs. N.K. Choudhary (JT 1994(7) SC 536). The contention of the review applicant that the other grounds vital for his decision have not been considered which is "sufficient reason" to review the order dated 19.3.99, is not tenable as the impugned order itself gives the reasons for the conclusions arrived at in that order.

4. Having regard to the provisions of Order 47, Rule 1 CPC read with Section 22(3) (f) of the Administrative Tribunals Act, 1985, as there is no error apparent on the face of the record, or any other sufficient reason to allow this RA, we reject the RA.


(Smt. Lakshmi Swaminathan)
Member (J)


(S.R. Adige)
Vice Chairman (A)

sk