

PRINCIPAL BENCH: NEW DELHI

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RA 125/93 in OA 672/93

Shri N.P.S.Negi

.. Union of India & Others

For the applicant

.. Shri Mahesh Srivastava, Counsel

JUDGEMENT

This review application is filed by the applicant against the judgement delivered in OA 672/93 dated 24.3.93 directing the respondents to permit the applicant to join the place of posting within a week's time and to treat the period of non-joining the service from the date of posting till the applicant joins the place of posting, as per the availability of leave in accordance with the rules.

The applicant here claims that a representation dated 26.3.93 (Annexure B-2) was made on his behalf through an advocate requesting the respondents to relieve the applicant and grant him TA and other benefits enabling him to comply with the order dated 28.9.92, but the respondents have neither relieved him from the post nor have given any TA and other benefits that are admissible to an employee on transfer and hence has filed this RA praying that the respondent may be directed to permit the applicant to join his duties in Delhi by way of superseding the earlier order dated 28.9.1992.

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3. As per Order 47, Rule 1 of CPC, a review application can be filed only when some new material which is not available with the applicant at the time of the hearing and that he subsequently got into possession which has a bearing on the case, or that there is an apparent mistake crept in the judgement or if there is any sufficient reason. None of these conditions is noticed in the present RA.

4. Also, as per AIR 1975 - SC 1500, a review of the judgement is a serious step and a reluctant resort to it is proper only where a glaring omission or a patent mistake or a grave error has crept in earlier by judicial fallability.

5. Besides a review can not be converted into an appeal by reurging the same points again and again.

6. Since clear directions have already been given to the respondents by way of the above mentioned judgement, it is for the respondents to comply with the same. Therefore, I am unable to consider the RA and such the RA is dismissed with no orders as to costs.

W.W.M
(C.J.ROY)

Member (J)

28.4.93