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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 92/1994
in
D.A. No. 1948/88

New Delhi this 23rd Day of March 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri P.D. Kalra,
son of Late Shri Tahla Ram Kalra,
Senior Store Keeper (Retired)
Delhi Milk Scheme,
BF/19, Janakpuri,
New Delhi-110 058

... Applicant

(In person)

Versus

1. Union of India, through
The Secretary,
Dept. of Agriculture & Cooperation,
Krishi Bhawan,
New Delhi-110 001.

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008. ... Respondents

(By Advocate Shri K.C. Mittal)

ORDER

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant has applied for review of
the order dated 3.1.1994 passed in Original Application
No. 1948/88. In that Original Application the relief
prayed by the applicant was that the applicant may be
deemed to have been appointed in the post of Senior
Storekeeper in Delhi Milk Scheme on regular basis
as his appointment on 20.2.1973 was made by the
competent authority and that appointment of the
applicant may be deemed to have been effective

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with effect from 19.9.1971 when a regular vacancy was available. Further, it was prayed that had it be declared that the applicant stood promoted to the post of Sr. Storekeeper with effect from 1.7.69, the applicant has also sought a declaration that he should be placed in the scale of Rs. 330-348 with effect from 1.7.1969 as against the pay scale of Rs. 210-425. He has also prayed for cancellation of the adhoc promotion of Shri T.C. Bakshi, to the post of Stores Supervisor.

2. After considering the rival contention of the parties, the application was dismissed as barred by limitation relying on the authority of State of Punjab Vs. Gurdeev Singh 1991 (4) SCC P 1. A perusal of the application goes to show that the applicant had repeated the old arguments which have already been considered and rejected in the impugned order. The case cannot be reopened for further arguments. Repeated representations do not give fresh cause of action as held by the Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of Madhya Pradesh reported in AIR 1990 SC P 10. The Hon'ble Supreme Court has already held in the following cases Chandra Kanta & Anr. Vs. Sheikh Habir AIR 1975 SC 1500 that

"A review of a judgement 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 new overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient".

Again, in AIR 1979 SC 1407 - Aribam Tuleshwar
Sharma Vs. Aribam Pishak Sharma & Ors., the
Hon'ble Supreme Court has held as follows:

"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. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

Review Application, therefore, is totally devoid of merit and dismissed by circulation.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

Mittal