

3. 22
In the Central Administrative Tribunal

Principal Bench: New Delhi

RA 267/92 in
OA 1933/89

Date of Order: 28.08.1992.

Shri D.K. Sharma

...Petitioner

Versus

Union of India

...Respondent

Coram:-

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

ORDER

This Review Application has been filed, seeking review of our judgement rendered in OA No.1933/89 dated 22.5.92. While allowing the Application we had directed that "the applicant would be entitled to 50 per cent of the pay and allowances from the date of removal from service to the date of his reinstatement. After reinstating him, the respondents will be at liberty to proceed against the applicant in accordance with law, if so advised..."

In this Review Application, the petitioner has prayed that he would be entitled to 75 per cent of pay and allowances from the date of removal from service to the date of reinstatement as against 50 per cent. He has further prayed that the period of absence from duty from the date of suspension from 28.11.1986 to 3.1.1989 and thereafter from the date of removal to the date of reinstatement be treated as duty for all purposes except pay and allowances without prejudice to his claim and entitlement for full pay and allowances on the final outcome of the disciplinary proceedings, if restarted.

2. We have considered the matter carefully. The issues now raised by the petitioner for seeking further relief had already been agitated by the petitioner and his learned counsel when the matter was heard. The scope of the review is extremely limited in terms of Order XLVII of the Code of Civil Procedure. The review petition cannot be used to reargue the matter. Their Lordships in the Supreme Court in **Chandra Kanta and another v. Sheik Habib - AIR 1975 SC 1500** held:-

"Once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and a resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition through a different counsel, of the old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient."

The Review Application is accordingly rejected.


(I.K. Rasgotra)
Member (A)


(P.K. Kartha)
Vice-Chairman

August 28, 1992.

August 28, 1992.

sk