

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

R.A. No.355/1994  
in

O.A. No.876/1989

Hon'ble Sh.S.R. Adige, Member (A)

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

Shri R.S. Sisodia,  
s/o Shri N.S. Sisodia,  
A-87, Inderpuri,  
New Delhi-110012

Date of decision 28.7.1995.

...Review Applicant

(Applicant present in person.)

Vs.

1. Union of India,  
through the Secretary,  
Ministry of Agriculture,  
Department of Agriculture & Cooperation,  
Krishi Bhawan, New Delhi
2. Union Public Service Commission through  
its Chairman,  
Dholpur House,  
Shahjehan Road,  
New Delhi.
3. Shri S.P. Jakhanwal,  
Joint Secretary,  
Ministry of Defence,  
South Block, New Delhi

... Respondents

(By Advocate Shri N.S. Mehta, Senior  
Counsel for the respondents)

O R D E R

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

The applicant has filed this Review Application under Section 22(3)(f) of the Administrative Tribunals Act, 1985. The applicant and Shri N.S. Mehta, learned counsel for the respondents were heard on the review application. Shri Mehta submitted that he does not wish to file any reply to the review application but has made oral submissions.

J3

The applicant was heard at length and he had also submitted written arguments in support of the review application. The applicant has challenged the respondents' order imposing penalty on him of with-holding one increment on the grounds that it is perverse and utterly against the Indian Evidence Act. He submits that the disciplinary case has proceeded on the basis of forged and fabricated documents and the Tribunal has not assessed these concocted documents in the judgment. He states that the respondents have ~~also~~ not made available to the Tribunal the records in the case ~~which is against the principles of natural justice.~~

2. In the arguments, the applicant again referred to the evidence and record of the disciplinary proceedings in the case record and tried to show that the charges against him have not been made out.

3. The learned counsel for the respondents has submitted that there is no error apparent on the face of the record. He has referred, in particular to paragraphs 6 and 8 of the order which shows that the applicant had already referred to the various annexures in detail at the time of hearing the case which have also been considered by the Tribunal. Hence, he submits that as no error has been shown on the face of the record, the review application

18/

may be dismissed.

4. We have carefully considered the grounds taken in the review application and again perused the case records referred to by the applicant as well as the submissions made by Shri N.S. Mehta.

5. It is settled law that a review application can lie only on limited grounds as provided in O. 47, Rule 1 of the CPC and cannot be utilised for re-arguing the case traversing the same grounds (see Chander Kanta v. Sheikh Habib (AIR 1975 SC 1500), A.T. Sharma v. A.P. Sharma (AIR 1979 SC 1047). A careful perusal of the Review Application in this case makes it clear that what the applicant is attempting to do in the guise of review application is to re-argue the case as if it is an appeal. In Smt. Meera Bhanja v. Smt. Nirmala Kumari Chaudhury (JT 1994 (7) 536), the Supreme Court has reiterated the view that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of O. 47, Rule 1 CPC. They have quoted the following observations of an earlier judgment S.L. Hegde & Ors. v. M.V. Tirumala (AIR 1960 SC 137) :-

" An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari."

6. After hearing the arguments advanced by both the parties at the time of hearing of the O.A. and after

J.B.

examining the case record, we did not consider it necessary to examine the departmental files. In the review application none of the grounds mentioned in O. 47, Rule 1 CPC has been made out to warrant review of the order dated 5.8.1994. The applicant has not shown any error apparent on the face of the record and the review application cannot be the remedy for seeking relief only because the applicant states that the decision is erroneous or wrong. We, therefore, see no ground for reviewing the earlier order.

7. The review application is, therefore, dismissed.

Lakshmi

(Smt. Lakshmi Swaminathan)  
Member (J)

Adige

( S.R. Adige )  
Member (A)