

New Delhi, this 19th day of September, 1994

Shri C.J.Roy, Member(J)
Shri B.N.Dhoundiyal, Member(A)

Shri I.V.Subramanyam
C/o Shri R.Sundaram
r/o C/112, Nanakpura
New Delhi-110 021 .. Applicant

By Shri Chava Badri Nath Babu, Advocate

VERSUS

Union of India, through

1. Secretary
Ministry of Forests
B Block, CGO Complex
Paryavaran Bhawan, Lodi Road,
New Delhi
2. The Director
Forest Research Institute
New Forest Post
Dehradun, U.P. .. Respondents

(None for the respondents)

ORDER (by circulation)
(Hon'ble Shri C.J.Roy, Member(J))

This RA is filed by the applicant against the order dated 19.4.94 by which the applicant's OA 1806/89 was dismissed and the operative portion of the judgement is as follows:

"It is pertinent to mention that there could be nothing wrong by promoting a junior to the gradings like outstanding very good and good are taken. It is not unlikely that sometimes that grading of the seniors if not outstanding and very good and if the juniors are found outstanding and very good, they will get a weightage in the selection. Therefore, the ACRs containing no adverse remarks is not a ground for selection. On this point, we would not agree with the contention of the applicant. Since we find that the applicant's case was twice rejected by the review D.P.C. after considering his representation, we do not find any merit in the case. Accordingly, it is rejected."

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2. By his own admission, the applicant has stated in the RA that "the facts leading to the filing of the instant review petition are stated in detail in the OA and therefore the same are not repeated herein for the sake of brevity and in order to avoid unnecessary reproduction". Yet he has just repeated the same points in the RA again which were raised in the OA. The other point raised by him that he was away from Delhi for several months and that his counsel could not appear on the date of hearing since he was not well and therefore certain facts were not properly brought to the notice of Tribunal that could be taken into consideration before deciding about the case.

3. As per Order 47, Rule 1 of CPC, a reviews application can be filed only (i) when some news material which is not available with the applicant at the time of the hearing and that comes into possession subsequently and which has a bearing on the case, or (ii) that there is an apparent mistake on the face of the record that has crept in the judgement or (iii) if there is any sufficient reason. Apparently, there is no such thing is available in the 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

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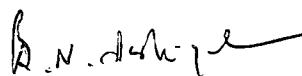
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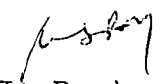
omission or a patent mistake or a grave error has crept in earlier by judicial fallability.

4. It is a fact that being an old matter, this was listed for pre-emptory hearing in the first ten cases and we had to proceed to dispose of the case on the basis of the records available in the file. However, in the absence of both the counsel for the parties, we have carefully gone through the material placed before us and considered all the points raised by the applicant and also the counter affidavit filed by the respondents, and come to conscientious decision as mentioned in the judgement delivered on 19.4.1994.

5. It is also pertinent to mention here that a review can not be converted into an appeal by reurging the same points again and again. Therefore, we feel that the applicant has not made out a proper case for a review.

6. In the circumstances, the RA is dismissed devoid of merits with no order as to costs.


(B.N. Dhoundiyal)
Member (A)


(C.J. Roy)
Member (J)

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