IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
***

RA No. 65/1995
in
O.A. No. 1743/1990

Date of decision 17-4-95

Hon'ble Shri N.V.Krishnan, Vice Chairman (A)

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

Shri Mahabir Singh
s/o Shri Mange Ram
R/o Village & P.O. Ladpur,
P.S. Nangloi, Delhi.

.... Review applicant

(By Advocate Sh.Shanker Raju)

Versus

1. The Lt.Governor of N.C.T.of Delhi
& U.O.I.
(Through the Commissioner of Police),
Police Headquarters, M.S.O. Building,
I.P. Estate, New Delhi.

.... Respondent

O R D E R (By circulation)

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

This Review Application No. 65/95 has been filed seeking review of the Order dated 3.1.1995 in O.A. No. 1743/90.

2. We have seen the Review Application and we are satisfied that the same can be disposed of by circulation under Rule 17(iii) of the CAT (Procedure) Rules, 1987 and we do so accordingly.

3. The applicant has sought review of the judgement dated 3.1.1995 on the following grounds :-

(i) That there is an error on the face of the record in respect of following the decision of the Supreme Court in Krishna Lal v. State of Jammu & Kashmir [1994 SCC (L&S) 885] and

non-supply of a copy of the Enquiry Officer's report has prejudiced the applicant,

(ii) That the finding of the Tribunal in para 14 that this is not a case of no evidence is an error on the face of the record. The applicant has referred again to the evidence of some of the witnesses and submits that the orders of the Enquiry Officer and disiplinary authority are perverse as they were passed without any evidence;

(iii) That the conclusion of the Tribunal in para 14 is erroneous because of the reason given in that paragraph wherein the evidence of the witnesses have been referred to again to show that the applicant was not under the influence of liquor; and

(iv) That the decision of the Tribunal in paragraphs 10 and 11 of the judgment is erroneous.

4. As rightly pointed out by the applicant, a review application can be entertained under the provisions of O. 47, Rule 1 CPC which, inter-alia, provides that the review can be done for any other sufficient reason analogous to the reasons given in clauses (i) and (ii) i.e. where there is an error apparent on the face of the record or new material or evidence is discovered, which was not within the knowledge of the parties or could not be produced by that party at the time the judgment was pronounced, despite due diligence.

5. We have carefully considered the grounds taken in the Review Application. A mere perusal of the same shows that what the applicant is trying to do is to re-argue the case and traverse the same grounds which he had already put forward before the Tribunal at the time when the O.A. was considered, in his attempt to show that the reasoning and conclusions arrived at by the Tribunal are erroneous. He has

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tried to show that the appreciation of the evidence, or lack of it, is an error on the face of the record because that is not according to the process of reasoning which he had adopted in the arguements.

6. In a recent decision of the Supreme Court in Smt. Meera Bhanja v. Smt. Nirmala Kumari Choudhury (JT 1994 (7) SC 536), the Court has referred to their observations in an earlier case of Satyanarayan Laxminarana Hegde & Ors. v. Mallikariun Bhavanappa Tirumale (AIR 1960 SC 137) wherein the following observations were made in connection with an error apparent on the face of the record:-

> " 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 according to the rule governing the powers of the superior court to issue such a writ."

7. In the instant case, we had discussed the facts of the case and the relevant case law in coming to the conclusion that there were no good grounds to interfere with the impugned orders dismissing the applicant from service. The Review Application cannot be a remedy for seeking relief only because the applicant states that the decision is wrong, and, therefore, wants re-appraisal of the facts and case law, as has been attempted here.

8. Having, therefore, regard to the grounds taken in the application and the provisions of O. 47, Rule 1 CPC and the aforesaid observations of the Supreme Court, we find no justification to review the judgment dated 3.1.1995. The Review Application is accordingly dismissed.

(Smt. Lakshmi Swaminathan)
Member (J)

(N.V. Krishnan)
Vice-Chairman (A)