

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

R.A.No.341/94

IN

O.A.No.1367/90

New Delhi 11th October, 1994.

HON'BLE MR.S.R.ADIGE, MEMEBER (A)

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Bharat Singh s/o Sh. Ghisa Ram,
r/o 25/354, Amrit Kunj, DMS Colony,
Hari Nagar, New Delhi.
2. Shri Kartar Singh s/o Sh. Hari Chand,
r/o WP-434, Wazirpur Ashok Vihar, Delhi,
3. Shri Satpal Sharma s/o Sh. Hans Raj,
r/o 19/20-B, Tilak Nagar, New DelhiApplicants.

Versus

1. The General Manager, Delhi Milk Scheme,
West Patel Nagar, New Delhi.
2. Sh. J.N.Rai Mechanic (Mechanical)
Mechanical Section, Delhi Milk Scheme,
West Patel Nagar, New Delhi.
3. Sh. Dina Ram Mechanic (Mechanical),
Mechanical Section, Delhi Milk Scheme,
West Patel Nagar, New Delhi.
4. Sh. Mohinder Singh Mechanic (Mechanical),
Mechanical Section, Delhi Milk Scheme,
West Patel Nagar, New Delhi.
5. Sh. Ram Saran, Mechanic (Mechanical),
Mechanical Section, Delhi Milk Scheme,
West Patel Nagar, New DelhiRespondents.

ORDER (BY CIRCULATION)

In this application bearing No.341/94, filed by Shri Bharat Singh & 2 others Vs. UOI, on 30.9.94, a prayer has been made to review the judgment dated 19.8.94 in O.A.No.1367/90 Shri Bharat Singh & others Vs. UOI & others.

2. Under Order 47 Rule 1CPC, a decision/judgment/order can be reviewed only if;

i) it suffers from an error apparent on the face of the record;

ii) 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 made, despite due diligence; or

iii) for any sufficient reason construed to mean analogous reasons.

3. A perusal of the contents of the review application makes it clear that in the guise of a prayer for review, the applicant is actually seeking to appeal against the impugned judgment.

4. In 'A.T.Sharma Vs. A.P.Sharma & others' AIR 1979 SC 1047, it has been held :

" 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."

5. In the result, this review application is rejected.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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