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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R. A. NO. 49/94
in
O. A. NO. 525/91

New Delhi this the 17th day of February, 1994

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

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

K. L. Gulati S/O Late Shri
Gulab Ram Gulati,
R/O 1327, Sector-IV,
R.K. Puram, New Delhi
employed at Chief Engineer,
Delhi Zone, Delhi Cantt/
Army Headquarters, E-in-C
Branch, New Delhi.

... Applicant

Versus

1. Union of India through
Secretary, Ministry of
Defence, South Block,
New Delhi.
2. Army Headquarters,
Engineer-in-Chief (Branch),
Kashmir House,
New Delhi - 110011.
3. Chief Engineer,
Delhi Zone,
Delhi Cantt-110010.
4. Chief Engineer,
Western Command,
Chandimandir,
Chandigarh.

O R D E R (By Circulation)

Hon'ble Mr. S. R. Adige, Member (A) —

This application is dated 07.1.1994 filed by
Shri K. L. Gulati praying for review of the judgment
dated 25.11.1993 in O.A. No. 525/91 - K. L. Gulati
vs. Union of India & Ors.

2. In this review application the applicant has
again raised the same grounds as raised in the O.A.
itself. Under Order XLVII Rule 1, Civil Procedure

Code, a judgment/decision/order can be reviewed only if (i) it suffers from an error apparent on the face of record; (ii) on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by it at the time the judgment was made despite due diligence; and (iii) for any sufficient reason, construed to mean analogous reason. The forum of review cannot be used to challenge the merits of a judgment.

3. In AIR 1975 SC 1500 - Chandra Kanta & Anr. vs. Sheikh Habib, the Hon'ble Supreme Court has observed as follows :-

"A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and new overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient."

4. Again, in AIR 1979 SC 1407 - Aribam Tuleshwar Sharma vs. Aribam Pishak Sharma & Ors., the Hon'ble Supreme Court has held as follows :-

"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. A perusal of the review application makes it clear that none of the ingredients referred to above have been made out to bring it within the ambit of a review.

6. Under the circumstances, this application for review fails and is rejected.

M

Adige
(S. R. Adige)
Member (A)

/as/

Sharma
(J. P. Sharma)

Member (J)