

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

R.A. 52/96 in
O.A. No. 2338/91
T.A. No.

199

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DATE OF DECISION 9.10.96

<u>M.P. Singh & Ors.</u>	Petitioner
<u>By Adv. Shri D.C. Vohra</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Ors.</u>	Respondent
<u>By Advocate Shri N.S. Mehta, Sr.</u>	Advocate for the Respondent(s)
<u>Standing Counsel for R-1.</u> <u>Shri A.K. Behera, for R-2 and 3.</u>	

CORAM

The Hon'ble Mrs. Lakshmi Swaminathan, Member (J).

The Hon'ble Mr. R.K. Ahooja, Member (A).

1. To be referred to the Reporter or not? *Y* *X*

2. Whether it needs to be circulated to other Benches of the Tribunal?

L.Swaminathan
 (Smt. Lakshmi Swaminathan)
 Member (J)

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69-A

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA/TA 2338/91 (RA- 52/96)

Sh. M. P. Singh & Ors. Vs. U.O.I. & Ors.

The above noted case was decided vide Judgement/Order dated 9-10-96 (in RA) & dated 9-2-96 (in OA) by the Bench Comprising of:

RA OA
Hon'ble Mr. Jnd. Lakshmi Swaminathan ^{Acting Chairman} Hon'ble Mr. N. R. Krishnan
Hon'ble Mr. R. K. Ahuja, Member (A) ^{Member} Hon'ble Mr. Lakshmi Swaminathan, Member (C)

The applicant/Respondent(s) in the above noted Case filed S.L.P. No. 4605 - 4606/97 in the Supreme Court and the Hon'ble Supreme Court vide Order/Judgement dated 17-02-97 has been please to :-

- (a) Dismiss/admitted the SLP/Civil Appeal
- (b) Set aside Order/Judgement of this Tribunal
- (c) Stayed the operation of the Judgement of the Tribunal.
- (d) Modified/Substituted the judgement/order of the Tribunal.
- (e) SLPs are ~~dismissed~~ withdrawn.

Submitted for perusal of Hon'ble Chairman and Hon'ble Members of the Bench.

Hon'ble Chairman

Yours
25-7-97

DEPUTY REGISTRAR (J) 5/5/97

Hon'ble Mr. Lakshmi Swaminathan (C)

Prakash
07-03-97

11-3-97

Hon'ble Mr. R. K. Ahuja, M(A)

Deo

12/8/97

Lakshmi
7/8/97

Central Administrative Tribunal
Principal Bench

RA No. 52/96
in
O.A. NO. 2338/91

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New Delhi this the 9th day of October, 1996

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

Hon'ble Shri R.K. Ahooja, Member(A).

1. M.P. Singh, Section Officer,
2. S.C. Maitra, Section Officer.
3. Kamlesh Kumar, Section Officer,

(C/o P.B. Section, Ministry of
External Affairs, Room No. 717, Akbar Bhawan,
Chankypuri, New Delhi) ..Applicants.

By Advocate Shri D.C. Vohra.

Versus

Union of India, through

1. The Foreign Secretary,
Ministry of External Affairs,
South Block, New Delhi.
2. Shri K.K. Sharma,
Section Officer,
Ministry of External Affairs,
C/o CA Division, M/O External Affairs,
South Block, New Delhi.
3. Shri Madan Gopal,
S/o Shri Ramji Dass Nagpal,
Section Officer,
Ministry of External Affairs,
C/o ECU Unit, M/O External
Affairs, South Block,
New Delhi. ..Respondents.

By Advocate Shri N.S. Mehta, Sr. Standing Counsel
for Respondent 1.

By Advocate Shri A.K. Behera, for Respondents
2 and 3.

O R D E R

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

This is a Review Application No. 53/96 filed
by the applicants in O.A. 2338/91 praying for
review of the judgement dated 9.2.1996. Replies

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(A)

have been filed by respondents 1-3. We have also heard the learned counsel for the parties.

2. We have carefully considered the arguments advanced by the learned counsel for the applicants and the Review Application praying for review of the impugned order.

3. The applicants have alleged that there are number of errors apparent on the face of the record which requires review of the judgement. This has, however, been squarely disputed by the respondents. A perusal of the impugned judgement dated 9.2.1996, which is a detailed and reasoned one, delivered after hearing both the parties at considerable length, makes it abundantly clear that the so called errors alleged by the applicants in the judgement are, in fact, no errors at all but the conclusions/findings arrived at by that Bench after due consideration of the arguments and other materials on record. It is also apparent from a perusal of the Review Application that the applicants being aware of the limited scope and ambit of a Review Application which can only lie if it falls within the provisions of Order 47 Rule 1 CPC, have tried to put forward arguments alleging that there are errors. No new grounds have been raised in the application which could not have been raised at the time when the applicants were heard in support of the Original Application. If the applicants's grievance is that the order is wrong then the remedy does not lie in/Review Application but those grounds may be germane to an appeal

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in accordance with law.

4. In a catena of judgements, the Supreme Court (Thungabhadra Industries Ltd. Vs. Govt. of A.P. (AIR 1964 SC 1372), Chandra Kanta Vs. Sheikh Habib (AIR 1975 SC 1500) and A.T. Sharma vs. A.P. Sharma and Ors. (AIR 1974 SC 1047)) has held that a review ^{as if} is by no means appeal in disguise and it is only proper where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition of old and overruled arguments are not sufficient. The learned counsel for the respondents has also strongly relied on another recent judgement of the Supreme Court in Meera Bhanja Vs. Nirmala Kumari Choudhary (AIR 1995 SC 455). From the lengthy arguments advanced by Shri D.C. Vohra, learned counsel for the applicant on the allegation that there are errors apparent on the face of the record itself shows that this application does not come within the provisions of Order 47 Rule 1 CPC or within the parameters laid down by the Supreme Court in the aforesaid judgements.

5. In the light of what has been stated above, we find no errors apparent on the face of the record, as alleged, to justify review of the order. Accordingly, the Review Application is rejected.


(R.K. Ahuja)
Member (A)

'SRD'


(Smt. Lakshmi Swaminathan)
Member (J)