

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

6/11

RA No.190/96 in CP No.57/94 in OA No.68/91

New Delhi, this 5th day of November, 1996

Hon'ble Shri S.R. Adige, Member(A)

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

Ram Sarup Yadav

s/o Shri Mangal Singh

200, Police Colony, IIT Hauz Khas

New Delhi

.. Applicant

(S/Shri M.L. Chawla & S.L. Lakhanpal, Advocates)

vs.

Shri Nikhil Kumar

Commissioner of Police

Delhi

.. Respondent

ORDER(by circulation)

Mrs. Lakshmi Swaminathan, Member(J)

This is a review application in CP No.157/94 decided on 23.8.96 in OA 68/91.

2. We have carefully perused the contents of the review application. The applicant has referred again to the judgement of the Tribunal in OA 68/91 and has tried to argue the matter regarding what the directions mean in the facts and circumstances of the case. In paragraphs 7 to 10 of the review application, he has tried to show how the respondents have committed contempt of the Tribunal's order as his representation/memorial has not been properly considered by the competent authority. In the subsequent paragraphs, the applicant has submitted that he has been very adversely affected by the impugned order which, he has argued, has not been implemented by the contemner. He concludes in para 11 of the review application that the contempt in so far as this applicant is concerned has vividly been committed by the contemner for having withheld the representation on which he has no valid

contended

authority or jurisdiction. It has also been ~~said~~ that the Tribunal while disposing of the contempt petition did not apply their mind judiciously to this vital fact which was very crucial, resulting in miscarriage of justice and substantial loss financially as also in ~~his~~ social image. Other paragraphs are reproduction of arguments already advanced by the applicant at the time of hearing of the contempt petition.

3. A reading of the review application itself clearly shows that the so called errors alleged are not errors at all but conclusions findings of the Tribunal which have been arrived at after hearing the learned counsel for the applicant at length and taking into account the material on record. There is no error apparent on the face of the record as alleged to warrant review of the impugned order. In the garb of review application what the applicant is actually trying is to seek appeal against our ~~order~~ <sup>order</sup> which is not permissible in law. Review application cannot be a remedy for seeking relief only because the applicant states that the decision is wrong.

4. We ~~do~~, therefore <sup>baseless</sup> <sub>no</sub> ground to review the impugned order in the contempt petition and the RA is accordingly rejected.

Lakshmi Swaminathan  
(Mrs. Lakshmi Swaminathan)  
Member(J)

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

/gtv/