

In the Central Administrative Tribunal

Principal Bench: New Delhi

RA No.253/92
OA No.2774/91

Date of order: 31.7.92.

Shri N. Chaudhury

...Applicant

Vs.

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (J)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

O R D E R

The above R.A. has been filed by the applicant, seeking review of our judgement dated 8.5.1992 in OA No.2774/91 - N. Chaudhury Vs. Union of India & Others.

The principal grounds for seeking the review are:-

a) that in paragraph 1 of the judgement the date on which the applicant was recommended for promotion to the higher grade by the DPC was 22.8.91 and not 22.9.91. The applicant, therefore, had 5 clear months service before his retirement on 30.11.1991 and not four months as mentioned in paragraph 3 of the judgement.

b) That it was not enough for the respondents to have made proposal for holding the DPC to the UPSC on 11.2.91 for the vacancy arising on 1.7.91 and thus there was failure on the part of the administrative authority to pursue the matter vigorously in terms

of Department of Personnel's OM dated 25.1.1990. Thus there was failure on the part of the respondents to comply with the directions given in the Department of Personnel's said OM.

2. We have considered the submissions made by the review applicant in the context of our judgement dated 8.5.1992. Admittedly, the date on which the DPC was held, is 22.8.91 and it has been correctly mentioned in paras 2 and 3 of the judgement. The typographical error that has crept in para 1 is, therefore, inconsequential; nonetheless it needs to be rectified. We order the Registry to correct the date appearing in the last line of para 1 of the judgement as **22.08.1991** instead of 22.09.91. Similarly in para 3, line 4, word 'four' may be substituted by 'five' months as indeed the applicant had 5 months' service left.

3. As regards the other grounds taken for seeking the review of the judgement, we are of the view that these grounds have already been agitated in the O.A. and considered by us. The scope of the review petition is very limited and the review can be prayed for only if there is an error apparent on the face of record or some new evidence or document has become available which was not earlier available or in the knowledge of the review applicant, after exercise of due diligence. The grounds now put-forth do not fall within the purview

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of Order XLVII of the Code of Civil Procedure. The typographical errors which have been ordered to be corrected by us do not change the material facts and the conclusions arrived at by us in the said judgement. The review petition cannot be used for reagitating the arguments which have been advanced earlier and considered at length before delivering the judgement. The Hon'ble Supreme Court in the case of **Chandra Kanta and another v. Sheik Habib AIR 1975 SC 1500** held:-

"Once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and a resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition through a different counsel, of the old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient."

The R.A. is disposed of accordingly.


(I.K. Rasgotra)
Member(A)


(P.K. Kartha)
Vice-Chairman