CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 243/2005
IN
O.A. NO.1130/2004

New Delhi, this the 10th day of April, 2006

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)
HON'BLE MR. N.D. DAYAL, MEMBER (A)

Shri Ganga Prakash,
S/o Shri Ram Swarup,
R/o GH-13/864,
Paschim Vihar,
New Delhi. .... Applicant.

(By Advocate Shri Sarvesh Bisaria)

Versus

1. Union of India through
Finance Secretary,
Department of Economic Affairs,
Ministry of Finance,
North Block, New Delhi.

2. Ministry of Personnel, Public Grievances
and Pension,
through Secretary,
Department of Personnel & Training,
North Block, New Delhi. .... Respondents.

(None for respondents)

O R D E R (ORAL)

Hon'ble Mrs. Meera Chhibber, Member (J).

This RA has been filed against the order dated 19.10.2005, on the ground that the additional affidavit filed by the applicant on 6.4.2005 has not been taken into consideration nor the judgment relied upon by the applicant in the case of Om Prakash Pathak Vs. Union of India (ATR 1986 (2) 557), has been dealt with even though counsel had relied upon the said judgment at the time of arguments. He has also submitted that initially the records were not produced by the respondents and ultimately when they produced the records, they were not shown to the counsel for the applicant, therefore, he has not been given any opportunity to make comments on the said records. As per the best of his knowledge, there is no IB report available in the records, that is why till date respondents have not been able to file any charge-sheet in the criminal case

against the applicant. He has also submitted that the stamp racket was going on since 1994 and the applicant was nowhere in the picture in the year 1994 when the racket started, therefore, there is a glaring factual error in this regard as the negatives positives plates, ink, papers, etc. for printing of counterfeit stamp papers and stamps were procured by alleged accused way back in 1994. He has also submitted that the tender was called by the then General Manager, Shri V.K. Jain in the year 1997 and as far as dismantling and other things were concerned, they were being carried out by the various departments and not by the applicant. He has also submitted that in the judgment, Tribunal referred to the judgments of Chandigarh Administration and Ors. Vs. Ex. SI Gurdit Singh, Union Territory Chandigarh and Ors. Vs. Mahinder Singh and Union of India Vs. Balbir Singh but they were not cited at the time of arguments by the counsel for the respondents.

2. We have heard counsel for the review applicant. It is not necessary that each and every word or sentence uttered by the counsel for the parties at the time of arguments should be made part of the judgment nor is it the laid down law any where that Tribunal or any other court, for that matter, cannot refer to the judgment, which is relevant in the case if it has not been cited by either party. These are hardly the grounds, on which review application can be filed or entertained. It is often seen that the counsel do not produce all the relevant judgments on the subject but that would not mean that even Court cannot use the judgments which are relevant and germane to the issue. The contention is totally misconceived, therefore, it is rejected.

3. Perusal of the review application shows that applicant is trying to reargue the matter as the arguments because all these arguments have not been agreed to by passing reasoned order. The judgment under challenge is a detailed and reasoned one, based on records produced by the respondents. Since it is a serious matter and services of applicant have been dispensed with by attracting Article 311 (2) of the Constitution of India, we were satisfied that there was no need to show such records to the applicant. Since we ~~are~~ were satisfied with the decision taken by the respondents, finding to that effect has already been

recorded in the judgment, therefore, it cannot be stated that there is any error of fact or law. If applicant feels that the judgment given by the Tribunal is wrong, according to him, his remedy lies elsewhere. Having expressed our views already in the matter, we cannot sit in appeal over our own decision.

4. The scope of the review application is very limited. It is now settled law that review application cannot be filed to reargue the whole matter. At this juncture, it would be relevant to quote the judgment in the case of Union of India Vs. Taritranjan Das, reported in ATJ 2004 (2) SC 190, wherein it has been held by Hon'ble Supreme Court that the scope of review is very limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of original order by afresh and rehearing of the matter to facilitate a change of opinion on merits.

5. While deciding the OA, reference has been made to judgments of Hon'ble Supreme Court, therefore, it was not necessary to refer to the judgment given by Tribunal. Accordingly, the contention of reveiw applicant is rejected.

6. In view of above, we find no merit in the RA. The same is accordingly rejected.

10/4/06.

(N.D. Dayal)
Member (A)

(Mrs. Meera Chhibber)
Member (J)

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