

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH.

RA 121/96

in

OA 2253/92

(39)

New Delhi this the 6th day of August, 1996.

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

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

P.K. Wadhwa,
S/o late Shri Sant Ram Wadhwa,
R/o House No. R-61, Gali No. 26,
South Anarkali,
Delhi-51.

..Review Applicant.

By Advocate Shri B.B. Raval.

Versus

1. Union of India,
through the Secretary,
Ministry of Health and
Family Welfare,
Nirman Bhawan,
New Delhi.
2. The Director-General of
Health Services,
Nirman Bhawan,
New Delhi.
3. Shri Faujdar Singh,
H.E.T. Grade-I (SW),
Central Health Education Bureau,
Kotla Road, Temple Lane,
New Delhi.

..Respondents.

ORDER (By circulation)

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

This is a Review Application filed under Section 22(3) (f) of the Administrative Tribunals Act, 1985 for review of the order dated the 6th June, 1996 in O.A. No. 2253/92.

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(AO)

2. We have perused the Review Application and we are satisfied that the same can be disposed of by circulation under Rule 17(iii) of the CAT (Procedure) Rules, 1987.

3. A perusal of the Review Application makes it clear that the review applicant is aware of the limited scope and ambit of Order 47 Rule 1 CPC. The first error pointed out by the applicant is in paragraph 2(A) in which he submits that the initial appointment order is dated the 13th August, 1982 whereas the error has crept in when the judgement recorded the reasons that the appointment order dated the 20th August, 1982 was ad hoc in nature. This error of the date of initial appointment order does not affect the claims/rights of the applicant to warrant any review of the order on this ground.

4. In the subsequent paragraphs, the applicant has tried somehow to bring the application within the scope of Order 47 Rule 1 CPC and has alleged that there are various errors in the judgement which need to be reviewed. The judgement has been delivered after hearing both the parties giving reasons for the view taken therein. What the applicant is trying to do is to reargue the case and his allegation that there are errors is untenable as these are, in fact, no errors at all but are conclusions/findings reached on the basis of the pleadings and the other materials on record. It is settled law that in the garb of a Review Application, the applicant cannot reargue the matter; if he feels that the judgement is wrong, then the remedy lies elsewhere in accordance with the law but not in a Review Application. The submission that the applicant has now discovered a new information/document i.e. the Department

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(A1)

of Personnel and Administrative Reforms U.O. Note dated 22nd February, 1982 in support of his contention that Respondent No. 3 was not eligible for appointment to the post of H.E.T. Grade-I, is rejected as nothing has been shown that the document could not have been produced despite due diligence when the case was heard and the judgement delivered, which bring its within the provisions of Order 47 Rule 1 CPC.

5. We are, therefore, of the view that there is no error apparent on the face of the record or some new evidence has come to the notice which was not available even after exercise of due diligence or any other sufficient reasons which justify review of the order dated the 6th June, 1996.

6. In the light of what has been stated above, this Review Application is rejected.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'

S.R. Adige

(S.R. Adige)
Member(A)