

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

(2b)

R.A. 134/93 IN O.A.2282/92

Date of decision: 11.5.1993

Mrs. Sukshambala

vs. Union of India & Others

ORDER

The applicant has filed this review application aggrieved by the judgement delivered in the OA 2282/92 dated 24th March, 1993, the operative part of which is reproduced below:

"Since we hold that this is a transfer in public interest, we do not find any justification for our interference in the matter. It is for the respondents to take a decision as per rules as to how to treat the applicant's period of leave and pay the arrears of her salary to her as per rules and further consider her retention in view of her husband and family being stationed at Delhi"

2. The main contention of the application in the review that the Tribunal has considered only S1.No.(i) and (ii) of the reliefs claimed by the applicant and ignored the rest whereas S1. No.(iii) to (v) which are also interconnected, interlinked and interdependent and that it is not possible to forego one without damaging the others. We have carefully considered the above contentions and perused the record of the case. We also observe from the judgement dated 24.3.1993 referred to above that it has been clearly mentioned therein that "during the arguments, the learned counsel for the petitioner submitted that he is pressing only claims (1) and (2) above and the rest are given up". In these circumstances, the claim of the applicant now is not acceptable.

3. As per Order 47, Rule 1 of CPC, a review application can be filed only (i) when some new material which is not available with the applicant at the time of the hearing and that comes into possession subsequently and which has a

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bearing on the case, or (ii) that there is an apparent mistake on the face of the record that has crept in the judgement or (iii) if there is any sufficient reason. None of these conditions is noticed in the present RA.

4. Also, as per AIR 1975 - SC 1500, a review of the judgement is a serious step and a reluctant resort to it is proper only where a glaring omission or a patent mistake or a grave error has crept in earlier by judicial fallibility.

5. All the points now raised have already been argued and considered by us and besides, a review can not be converted into an appeal by reurging the same points again and again. Therefore, we feel that the applicant has not made out a case for review.

6. While delivering the above stated judgement, we have ~~had~~ ~~had~~ patiently heard the arguments and averments made by both the counsel during the hearing and carefully gone through the records and material placed before us and therefore the contention of the applicant that the material and records have not been considered is not acceptable (Reference AIR 1990 SC 535 J. Rangaswamy Vs. Govt. of Andhra Pradesh & Others). Again in the case of Lt. Col. G.S.Bajwa Vs. UOI & others 1988(6) ACT CAT-800 Hyderabad Bench of the Tribunal has held that if certain points raised by the Counsel are not dealt with in the judgement, the remedy is to file an appeal in accordance with the law but the same issues can not be agitated again in a review application.

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7. In the circumstances, we are of the opinion that the applicant has not made out a proper case for a review. Accordingly, the review application is dismissed.

*Justoy*  
(C.J. ROY)  
Member (J)

*Dalip Singh*  
(I.K. RASGOTRA)  
Member (A)