CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

R.A. No.157/95 IN
O.A. No.495/91 New Delhi, dated the 23.8.1995

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN(J)

HON'BLE MR. S.R. ADIGE, MEMBER (A)

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Shri Amar Lal Babbar,
S/o Shri Hari Chand Babbar,
HSG Head Sorting Assistant,
Delhi Sorting Division,
Delhi-110006.
and 11 others .... APPLICANTS

(By Advocate: S.R. Dwivedi)

VERSUS

1. The Union of India through the
Secretary, Ministry of Communications,
Deptt. of Post, DAK Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
Link Road, New Delhi-110001. .... RESPONDENTS

2. R.A. No. 155/95 IN O.A.No.431/91

Shri R.N.S. Aggarwal,
S/o Late Shri Chandgi Ram,
R/o 39-A, Vishwa Karma Park,
Laxmi Nagar,
Delhi-110092. and 2 others .... APPLICANTS

(By Advocate: Shri S.R. Dwivedi)

VERSUS

1. The Union of India, through the
Secretary, Ministry of Communication,
Deptt. of Post, DAK Bhawan, New Delhi

2. The Chief Post Master General;
Delhi Postal Circle, Meghdoot Bhawan,
Link Road, New Delhi-110001. .... RESPONDENTS

3. RA NO. 158/95 IN O.A. NO.1665/92

Shri Inder Lal,
S/o Shri Lacha Ram,
R/o 7-19, Nehru Nagar,
New Delhi-110065. .... APPLICANTS

(By Advocate: Shri S.R. Dwivedi)

VERSUS

1. The Union of India through the
Secretary, Ministry of Communication,
Deptt. of Post, DAK Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
Link Road, New Delhi-110001. .... RESPONDENTS

4. R.A. NO.159/95 IN O.A. NO. 494/91

Shri Satpal Anand,
S/o late Shri gurditta Mal,
LSG Supervisor (Retd.),
Air Main Sorting Division,
New Delhi-110023.
and 9 others .... APPLICANTS
(By Advocate: Shri S.R. Dwivedi)

VERSUS

1. The Union of India through the
Secretary, Ministry of Communication,
Deptt. of Post, DAK Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
Link Road, New Delhi-110001. .... RESPONDENTS

5. R.A. NO. 161/95 IN O.A. NO. 1368/92

Shri Kure Ram,
S/o late Shri Chander Lal,
R/o B-1357, Shastri Nagar,
Delhi-110052. .... APPLICANT
(By Advocate: Shri S.R.Dwivedi)

VERSUS

1. Union of India through the Secretary,
Ministry of Communication,
Deptt. of Post, DAK Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
Link Road, New Delhi-110001. .... RESPONDENTS

6. RA NO. 162/95 IN O.A. NO. 290/92

Shri Radhey Shyam Srivastava,
S/o Late Shri Jai Narayan Srivastava.
R/o A/25, West Vinod Nagar,
Delhi-110092 and another .... APPLICANTS
(By Advocate: Shri S.R. Dwivedi)

VERSUS

1. The Union of india through the
Secretary, Ministry of Communication,
Deptt. of Post, DAK Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
Link Road, New Delhi-110001. .... RESPONDENTS

7. RA NO.168/95 IN O.A. NO. 1261/91

Shri Iakhan Singh Gaur,
S/o Shri Ram Ratan,
R/o D-28, Moti Bagh,
New Delhi-110021.
(THROUGH: SHRI S.R. DWIVEDI) .... APPLICANT

VERSUS

1. Union of India through the
Secretary, Ministry of
Communication, Dept. of Post,
DAK Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Postal Circle,
Meghdoot Bhawan, Link Road,
New Delhi-110001. .... RESPONDENTS

8. RA NO. 169/95 IN O.A. NO. 1309/91

Shri Padam Lal,
S/o Shri Parma Nand,
R/o R/OJ-1/254, DDA Flats,
Kalkaji, New Delhi. .... APPLICANTS
and two others
(Through: Shri S.R. Dwivedi)

VERSUS

1. Union of India through the
Secretary, Ministry of Communication,
Dept. of Post, DAK Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Postal Circle,
Meghdoot Bhawan,
Link Road, New Delhi-1 .... RESPONDENTS

9. RA NO. 173/95 IN O.A. NO. 785/91

Shri Suraj Mal Jain,
S/o Shri Banarasi Dass Jain,
R/o 2981-A/222, Chandra Nagar,
Tri Nagar, Delhi-110052. .... APPLICANTS
(AND ANOTHER)
(Trhough: Shri S.R. Dwivedi)

VERSUS

1. Union of India through the Secretary,
Ministry of Communication, Dept. of Post,
DAK Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
New Delhi .... RESPONDENTS

10. RA NO. 174/95 IN OA NO. 614/91

Shri Kishan Jindal,
S/o Shri Iakhi Ram Jindal,
R/o 67-A, J&K, Dilshad Garden, Delhi-110095.
(and two others) .... APPLICANTS

VERSUS

1. Union of India through the Secretary,
Ministry of Communication, Dept. of Post,
DAK Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
New Delhi .... RESPONDENTS

11. R.A. No. 181/95 in O.A. 495/91

1. Shri Bhajan Lal Sharma
S/o Shri (late) Mukandi Lal,
R/o House No. 1226, Narela, Delhi-110040.

2. Shri Raj Kumar Sachdev,
S/o late Shri Khushal Chand,
R/o 372, Guru Ram Das Nagar,
Gali No.6, Luxmi Nagar,
Delhi-110092. ... APPLICANTS

VERSUS

1. The Union of India through the
Secretary, Ministry of Communication,
Deptt. of Post, DAK Bhawan,
New Delhi.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
Link Road,
New Delhi-110001. .... RESPONDENTS

12. RA No. 188/95 in O.A. 495/95

Shri Manohar Lal Sharma,
S/o late Shri Sher Singh,
M-42, Shastri Nagar,
New Delhi-110052. .... APPLICANT

VERSUS

1. The Union of India through
its Secretary, Dept. of Posts,
Dak Tar Bhawan, New Delhi.

2. The Chief post Master General,
Delhi Circle,
Meghdoot Bhawan, New Delhi. ..... RESPONDENTS

13. RA No. 189/95 in O.A. No. 614/91

1. Shri Sundar Lal Vashist,
S/o late Shri Sita Ram,
R/o MCD Flats, SE part II,
New Delhi-110049.

2. Shri Shiv Nath,
S/o Shri Brij Lal,
R/o B-11, South Anarkali,
Delhi-110051.

3. Shri Gulzar Singh Arora,
S/o late Shri Jai Singh Arora,
R/o 30-B/4g East Azad Nagar,
New Delhi-110051. ... APPLICANTS

VERSUS

1. The Union of India through
Secretary to the Govt.
Dept. of posts, Dak Tar Bhawan,
New Delhi.

2. The Chief post Master General,
Delhi Circle, Meghdoot Bhawan,
New Delhi. ... RESPONDENTS

14. R.A. No. 190/95 in O.A. 1309/91

Shri Thakur Da s,
226-B/2, Prakash Mohalla,
East of Kailash,
New Delhi-110065. .... APPLICANT

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VERSUS

1. The Union of India & Ors.
through the Secretary,
Deptt. of Posts, Dak Tar Bhawan,
New Delhi-110001.

2. The Chief Post Master General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001. ..... RESPONDENTS

15. R.A. No. 191/95 in O.A. 614/91

1. Shri Gulab Chand,
S/o late Shri Bhagwan Dass,
R/o 929, Janta Flats, Nand Nagari,
Delhi-110093.

2. Shri Ramesh Chand Jain,
S/o late Shri Jyoti Prasad Jain,
R/o 52/74, 1st Floor, Ramjas Road,
Karol Bagh, New Delhi.

3. Shri Gur Bachan Singh,
S/o late Shri Gurumukh Singh,
R/o 852, Tialak Gali, Sat Ghara,
Kashmere Gate, Delhi-110006. ... APPLICANTS

VERSUS

1. The Union of India through the
Secretary, Dept. of Posts,
Dak Tar Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Postal Circle,
Meghdoot Bhawan,
New Delhi. .... RESPONDENTS

16. R.A. No. 192/95 in O.A. 2048/91

Shri Bhola Ram
S/o Shri Ghasi Ram,
R/o 14, School lane, Radheypuri,
Delhi-110051. ... APPLICANT

VERSUS

1. The Union of India through the
Secretary, Dept. of Posts, Dak Bhawan,
New Delhi.

2. The Chief Post Master General,
Delhi Postal Circle, Meghdoot Bhawan,
New Delhi.

3. The Sr. Superintendent, Delhi Sorting Div.
R.M.S. Bhawan, Delhi-110006. .... RESPONDENTS

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17. R.A. No. 201/95 in O.A. 495/91

Shri Babu Ram-VI,
S/o Shri (Late) Gungan Ram,
R/o H.No, IX/5744, Subhas Mohall-II,
Gali No. 6, Gandhi Nagar,
Delhi-110031. ... APPLICANT

VERSUS

1. The Union of India through the
Secretary, Deptt. of Posts,
Dak Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Circle, Meghdoot Bhawan,
New Delhi. ... RESPONDENTS

18. R.A. No.202/95 in O.A. 1261/91

Shri Chandu Ram,
S/o late Shri Ghan Shyam Dass,
R/o 27/70, Gali No.8,
Near Char Khamba, Vishwas Nagar,
Shahdara, Delhi-110032. ... APPLICANT

VERSUS

1. The Union of India through the
Secretary, Dept. of Posts,
Dak Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Circle, Meghdoot Bhawan,
New Delhi. .... RESPONDENTS

19. R.A. No. 206/95 in O.A. 495/91

Shri Smt. Pushpa Devi
W/o late Shri Radha Kishan Dhall (applicant)
S/o Shri (late) Tej Bhan,
R/o 394, Chatta Lal Mian,
Darya Ganj, New Delhi-110002. ... APPLICANT

VERSUS

1. The Union of India through the
Secretary, Dept. of Posts,
Dak Bhawan, New Delhi.

2. The Chief Post Master General,
Delhi Circle, Meghdoot Bhawan,
New Delhi. ... RESPONDENTS

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ORDER (BY CIRCULATION)

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

These 19 R.As have been filed seeking review of the common judgment dated 10.5.95 in O.A.No.1368/92 Kure Ram Vs. Union of India & another and connected cases. They are accordingly being disposed of by this common order.

2. The first ground taken in these R.As is that there is legal error in the judgment apparent on the face of record because the promotion to LSG is seniority-cum-fitness subject to rejection of unfit and not 1/3 by selection, 2/3 by seniority because this rule was modified vide letter dated 31.8.66 at Annexure-A2. The second ground taken is that all the previous applicants who came to the court and were senior to thos promoted by the respondents, were given the relief and not even a single case was dismissed on the ground of limitation; hence the present O.As cannot be dismissed on that ground.

3. Under Order 47 Rule 1 CPC, a decision/ judgment/order can be reviewed only if;

i) it suffers from an error apparent on the face of the record;

ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgment was made, despite due diligence; or

iii) for any sufficient reason construed to mean analogous reasons.

4. In so far as the first ground is concerned, it is well settled that the recruitment rules which were framed under Article 309 of the Constitution and have statutory force, cannot be

amended by executive instructions. No doubt, the letter dated 31.8.66(Annexure-A2) relied by the applicant states that the statutory rules of the recruitment will be formally amended in due course but whether the same were actually amended, has not been stated because the amended rules have not been filed, and in any case, the applicants have failed to state why they could not produce this new material or evidence at the time the judgment was made despite due diligence.

5. As regards the second ground taken by the applicants is concerned, the fact that earlier the cases were not dismissed on the ground of limitation, does not bring any of these R.As within the scope and ambit of Order 47 Rule 1 CPC as defined above.

6. In fact, a perusal of the contents of these R.As makes it abundantly clear that what the applicants are seeking to do is to argue the case afresh, and in the guise of these review applications, they are in fact seeking to file an appeal against the impunged judgment dated 10.5.95,, which is a reasoned and well considered one delivered after hearing the parties at considerable length. This is not permissible.

7. In Thungabhadra Industries Ltd. Vs. The Government of Andhra Pradesh- AIR 1964SC 1372, the Hon'ble Supreme Court had held that a review is by no means an appeal in disguise.

8. Similarly in Chandra Kanta & another Vs.

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Sheik Habib- AIR 1975 SC 1500, the Hon'ble Supreme Court were pleased to held that

> "A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistake of inconsequential import are obviously insufficient."

9. Similarly in A.T.Sharma Vs. A.P.Sharma & others- AIR 1979 SC 1047 , their Lordships have held that:

> "The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But , it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court."

10. In the light of the above, these R.As are rejected.

11. Let a copy of this order be placed in all the concerned R.As.

(S.R.ADIGE)
MEMBER(A)

(B.C.SAKSENA)
VICE CHAIRMAN(J)

Attested. Bimla Dewan
(BIMLA DEWAN)
कोर्ट अधिकारी/Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायपीठ, फरीदकोट हाऊस
Principal Bench, Faridkot House
नई दिल्ली/New Delhi-110001