

Central Administrative Tribunal
Principal Bench

RA 223/98
in
O.A. 3261/92

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New Delhi this the 24 th day of November, 1998

Hon'ble Shri S.R. Adige, Vice Chairman (A).
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

I.S. Rathore & Ors.

Applicants.

Versus

1. Union of India through
Defence Secretary, South Block,
DHQ PO New Delhi.
2. Joint Secretary (Admn. & Trg) and
Chief Administrative Officer,
Ministry of Defence, C-II hutments,
DHQ PO New Delhi.

Respondents.

O R D E R (By circulation)

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

The applicants have impugned the order dated 11.3.1998 in O.A. 3261/92 praying that the same may be set aside and a reasoned order on the various pleas taken by them based on cases relied upon by them may be passed by allowing the Review Application.

2. We have very carefully perused the Review Application. One ground that has been taken is that the impugned "judgement" may be titled as "Order". We find that even if the impugned judgement is titled as Order, that will not be a ground to allow the prayer in the R.A.

3. The other main ground taken by the review applicants is that the impugned order is not a reasoned order and has not referred to each one of the cases cited by them while disposing of O.A. 3261/92. In the Review Application,

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they have, therefore, reargued the case reiterating their stand based on certain judgements of the Supreme Court referred to in pages 3-5 of the RA. They have also submitted that the reason in Para 9 of the order is manifestly contrary to the records and pleadings and the argument is that detailed reasons distinguishing the other judgements have not been given. In the circumstances, the applicants have submitted that before taking up the case further for judicial review under Article 226 of the Constitution of India and thereafter under Article 136 of the Constitution to the Hon'ble Supreme Court, they have filed the RA requesting the Tribunal to record its reasoned order to enable them to exercise its powers under judicial review which is their fundamental right. On the second ground referred to above, we are unable to agree with the contentions of the review applicants that the impugned order/judgement dated 11.3.1998 is a non-reasoned order and the RA should be allowed so that a reasoned order may be given, as prayed for. Reasons have been recorded in the impugned order which the applicants may consider as wrong for which the Review Application will not lie, ^{as} It cannot be stated that there is any error apparent on the face of the record or any sufficient reason, as provided under Order 47 Rule 1 CPC read with Section 22(3) (f) of the Administrative Tribunals Act, 1985 under which alone the Review Application lies. The impugned order has relied on the judgement of the Supreme Court in D.P. Sharma's case in arriving at the conclusion that no interference is warranted in the O.A.

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4. In view of the above, we find no good grounds existing in the Review Application to allow the R.A. It is accordingly dismissed.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'

S.R. Adige

(S.R. Adige)
Vice Chairman (A)