

12

9

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

REVIEW APPLICATION NUMBER 87 OF 2001
WITH
✓ REVIEW APPLICATION NUMBER 50 OF 2001
IN
ORIGINAL APPLICATION NUMBER 1049 OF 1997
ALLAHABAD, THIS THE 18th DAY OF AUGUST, 2003
HON'BLE MAJ GEN K. K. SRIVASTAVA, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Union of India and OthersApplicants

(By Advocate : Shri A.K. Gaur)

V E R S U S

Mahendra SinghRespondents

(By Advocate : Shri R. Verma)

ORDER

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

This is one of those cases where applicant as well as respondents both have filed Review Application against the oral order dated 22.02.2001 while applicant has filed Review Application No.50/2001 on the ground that he could not show the Judgment given by Hon'ble Supreme Court in the case of Ram Kumar & Others Vs. Union of India & Others. Respondents have filed Review Application Number 87 of 2001 along with Misc. delay condonation application No.4487 of 2001 on the ground that this case is not covered by Aslam Khan's case. since both the RAs are filed against the same order, we are deciding both the R.As by a common order.

2. We have heard both the counsel and are surprised as to how B

[Handwritten signature]

Union of India has filed Review Application in this case when the ^{findings} ~~notings~~, which have been annexed with the Review Application clearly show that the officers ^{themselves} had categorically stated that there is no ground to agitate the matter any further and the Judgment given by Allahabad Tribunal deserves to be implemented.

^{Moreover} 3. Perusal of the ordersheet shows, that this was a consent order passed by the Tribunal as both the counsel had agreed that this matter is covered by Full Bench in O.A. No.57/1997 Aslam Khan's Vs. Union of India & Others. We do not understand as to how either of the parties could have filed this Review Application when a consent order was passed by the Tribunal and not only it was a consent order but applicant had even challenged the same before the High Court of Allahabad by filing Writ Petition No.19016 of 2001 but even the Hon'ble High Court of Allahabad dismissed the petition by observing that they are not inclined to interfere against the consent order.

4. Law is well settled that review can be filed only if there is some apparent error on the face of record or there are some new facts which could not have been brought on record in spite of due diligence by both the parties. In the instant case, since Tribunal had passed the order as per the consent of both the parties, it cannot be said that there is any error apparent on the face of the record. Simply because,

applicant's counsel could not produced a judgment that is no ground to file a review. At this point, it would be relevant to refer to the Judgment of Hon'ble Supreme Court in the case of AJIT KUMAR RATH VERSUS STATE OF ORISSA 2002(2)SLJ 108 wherein in has been held that review cannot be claimed or asked for merely a fresh hearing or arguments. Similarly in the case of BHARAT PETROLEUM CORPN. LTD AND OTHERS 1995(2)SCC 15 Hon'ble Supreme Court has held that once parties had consented to the award they could not be allowed to go behind it. It would be further relevant to quote the Judgment reported in JT 1996(SCC)56 in the case of State of Maharashtra and Another Versus Prabhakar Bhikaji Ingle. In that case it was held that Tribunal could not review its order, after the order passed by the Tribunal was confirmed by the Apex Court by refusing to grant the SLP. The same principle would apply in the present case as well. Since applicant had approached, Hon'ble High Court of Allahabad who were pleased to dismiss the petition by observing that no interference is called for in a consent order, definitely they can not be allowed to reopen the case by filing review application subsequently.

5. In view of the above discussion, we find no good ground to entertain the Review Applications. Accordingly both the R.As are dismissed with no order as to costs.


Member (J)


Member (A)