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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 Others

.....Applicants

(By Advocate : Shri A.K. Gaur)

V E R S U S

Mahendra Singh

.....Respondents

(By Advocate : Shri R. Verma)

O R D E R

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

This is 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



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Union of India has filed Review Application in this case  
when the <sup>notings</sup> ~~notices~~, which have been annexed with the Review  
Application clearly show that the officers <sup>themselves</sup> 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.

<sup>Moreover</sup>  
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  
inspite of due deligence 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,

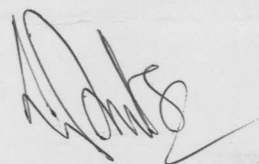


applicant's counsel could not produced a judgment that is no ground to file a review. At this point, it would be relevant to refer to the Judgment of Hon'ble Supreme Court in the case of AJIT KUMAR RATH VERSUS STATE OF ORISSA 2002(2)SLJ 108 wherein it has been held that review cannot be claimed or asked 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)567 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)