

Hon'ble Maj Gen K K Srivastava, AM  
Hon'ble Mr. A K Bhatnagar, JM

Dated : 18 / 03 / 2004. (By Circulation)

This review application has been filed for review of the order dated 30.04.2003 passed in OA no. 1231 of 1995 alongwith delay condonation application no. 473 of 2004.

2. The review applicant in the delay condonation application has stated that the order of this Tribunal, referred to above, was challenged before Hon'ble High Court by filing Civil Misc writ Petition no. 56700 of 2003, which was disposed of by the order of Hon'ble High Court dated 05.01.2004 (pg 45), quoted as under :-

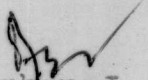

"Sri Budhwar, learned counsel appearing for the petitioner prays and is permitted to withdraw the writ petition with liberty to file review, if so advised, before the learned Tribunal. Petitioner may take assistance of section 14 of the Limitation Act for the purpose of limitation."

3. A bare perusal of the order of Hon'ble High court reveals that the review applicant prayed for withdrawing the writ Petition rather than arguing the case on merits. However, in view of the order of Hon'ble High Court dated 05.01.2004, and in the interest of justice, we allow delay condonation application no. 473 of 2004 and condone the delay in filing review application.

4. The review applicant has tried, in fact, re-hearing of the case which is not permissible under law. The fact

pleaded and the law applicable on the facts of the case have already been considered in the judgment. The review application is maintainable only when there is an error apparent on the face of record or some new fact is brought out. On perusal of the order, for which the review has been sought for, we do not find that there is any error apparent on the face of record and also no new facts or evidence has been brought out by the applicant.

5. In view of the above, no case of the review of the judgment dated 30.4.2003 has been made out. The review application is accordingly rejected.

  
Member-J  
Member-A

/pc/