

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 1st day of Sept., 2004.

QUORUM : HON. MR. A.K. BHATNAGAR, J.M.
HON. MR. D. R. TIWARI, A.M.

Rev.A. No. 61 of 2004

in

O.A. No. 587 of 1997

K.K. Sharma & Another.....Applicants.

Counsel for applicants : S/Sri N.P. Singh & S.P. Singh.

Versus

Union of India & another.....Respondents.

O R D E R

BY HON. MR. A.K. BHATNAGAR, J.M.

This review application has been filed for review of the order passed in O.A. No.587/97 on 24.5.04, which is a very detailed order and has been passed after due consideration and placing reliance on various case laws cited by the counsel. We have carefully perused the ground taken for review of the order dated 24.5.04.

Counsel for the Review Applicant has submitted that this Tribunal has no jurisdiction to hear this case. Secondly he has pleaded that the review applicants, though affected directly, were not impleaded as a party. We are not impressed by these arguments as the question of jurisdiction was not argued during the course of hearing of the O.A. which is under review. It may also be stated that question of non-joinder/non-impleadment was raised and it has been decided by the Tribunal in the ^{order} O.A. It is settled law that the review is not an appeal in disguise. It is equally settled proposition of law that even erroneous judgment is not a ground for review. One has to go in appeal, revision or writ. The legality of judgment cannot be raised in the review application. Hence it is clear that there is no error, much less apparent. A review by a third party is itself a very weak case. One should file an independent application/writ. The Apex

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Court in its judgment in AIR 1980 SC 2040 has held that review is not a routine procedure, material error manifest must be on the face of earlier order.

2. In view of the proposition of law stated above, we do not find any error apparent in the order being reviewed.

3. Accordingly, the review application is rejected.

D.S.
A.M.

J.M.
J.M.

Asthana/