

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH; ALLAHABAD.

Review Application NO.14 of 2005.

In

Original Application NO.1470 of 2001.

ALLAHABAD THIS THE 07<sup>TH</sup> DAY OF APRIL 2005.]

Hon'ble Mr. D.R. Tiwari, Member (A)

Union of India and others.....Revisionists.

(By Advocate: Sri P Mathur)

Vs.

Shri Akhilesh Kumar Pandey.....Opposite party.

(By Advocate: )

**O R D E R**

The present Review Application has been filed for reviewing the order of this Tribunal in O.A. 1470 of 2001 decided on 9<sup>th</sup> November 2004. I have gone through the Review Application very carefully. Certain decisions of the Principal Bench have been cited to contend that the order of this Tribunal has been wrongly decided. Vide para 11 of the Review Application has also been cited and these judgments have been annexed with the application for the purpose reviewing the order of this Tribunal.

The settle legal position is that review is not an appeal in disguise. The scope of review is limited to the extent that certain error is apparent on the face of record and on that ground the review can be allowed. The Hon'ble Supreme Court in the case of Thungabhadra Industries Ltd.

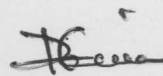
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Court in the case of Thungabhadra Industries Ltd.  
Vs. The Govt. of Andra Pradesh. A.I..R. 1964, S.C  
has held as under :-

*"A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. We do not consider that this furnishes a suitable occasion for dealing with this difference exhaustively or in any great details, but it would suffice for us to say that where without any elaborate argument one could point to the error and say here is a substantial point of law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of record would be made out".*

It may be stated that an error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the Court to exercise its power of Review.

Under the circumstances, the review application is devoid of merit and is rejected.

  
Member (A)

Manish/-