

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Review Application No. 98 of 2005 in  
Original Application No. 587 of 1997**

**Tuesday this the 08<sup>th</sup> day of April, 2008**

**Hon'ble Mr. Ashok S. Karamadi, Member (J)  
Hon'ble Mr. K.S. Menon, Member (A)**

1. Union of India, through Secretary, Ministry of Urban Development, New Delhi-110011.
2. The Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi-110011.

**Review Applicants**

**By Advocate Sri Satish Chaturvedi**

**Versus**

Shri A.K. Goel, S/o Shri P.C. Goel, R/o B-85, S.F.H. Scheme, Sector-26, NOIDA-201301.

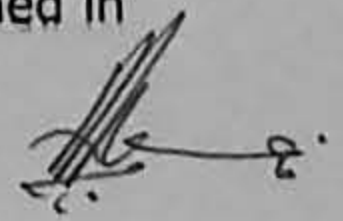
**Respondent**

**By Advocate Sri O.P. Khare**

**ORDER**

**By Ashok S. Karamadi, Member (J)**

This Review Application is filed against the Order dated 24.05.2004. It is an admitted fact as learned counsel for the applicants and respondent state that against the Order of this Tribunal dated 24.05.2004, a Writ Petition was filed before the Hon'ble High Court by the respondents in the O.A. and applicants in the present Review Application bearing Writ Petition No. 64627 of 2005. By the Order dated 05.10.2005, aforesaid Writ Petition was dismissed as withdrawn. However, the Review applicants sought liberty to file the Review Application before this Tribunal and thereafter this Review Application is filed. Learned counsel for the applicants submits that having regard to the fact contained in paragraph No. 16 of the Order that facts mentioned in Annexure RA-15 of the Rejoinder Affidavit have not been denied or refuted by the respondents and based on that record, the Order was passed. Therefore, it is illegal, and the other finding recorded and decision rendered by the Tribunal by the Order dated 24.05.2004 are unsustainable. Having regard to the facts mentioned in



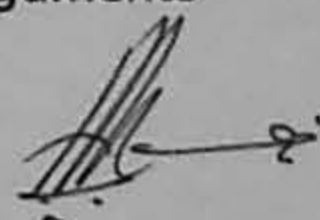


the O.A., he has taken through the contention made in the O.A. and the Order passed thereon by the Tribunal dated 24.05.2004. Further it is stated that having regard to the fact that there is no opportunity for the applicants in the present review to file Supplementary Counter Affidavit to the Rejoinder Affidavit, filed by the applicant, the Tribunal has proceeded to pass the Order, therefore same cannot be sustained and is amenable for review of the Order.

2. Learned counsel for the respondent in the present review submits that the Order was passed in detail by this Tribunal and having regard to the fact that the scope of Review is very limited, the Order passed by this Tribunal should not be reviewed and Review Application is liable to be dismissed.

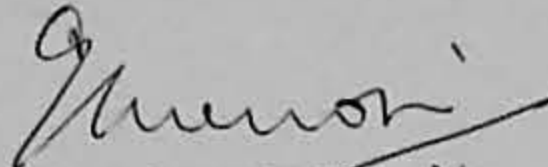
3. We have heard the learned counsel for the applicant and the respondents.


4. On the admitted facts, it is clear that the final order was passed on 24.05.2004, thereafter, Writ Petition was filed and subsequently the same was withdrawn with a liberty to file the Review Application before this Tribunal. The gist of the contention and grounds raised in the Review Application is that the Order was passed without giving opportunity to the review applicants, to file Supplementary C.A. in reply to the Rejoinder Affidavit, filed by the applicant and therefore, order is amenable for review. In view of settled principle of law, as held by the Hon'ble Supreme Court, that the grounds of review shall not be the grounds in the nature of appeal to be taken up against the Order for review. Having regard to the fact that on perusal of the grounds made and urged in the absence of any error apparent on the face of the record, it cannot be said that the Order impugned can be reviewed on the other grounds, which are assailed by the person aggrieved against the said Order. Learned counsel for the applicants submits that even though the Order is passed without giving opportunity to file any Supplementary Counter Affidavit to the Rejoinder Affidavit, but on the other hand, it amounts review of the same in the absence of error apparent on the face of record. It is reiterated that scope of review is very limited. Review is to be carried out on the limited grounds coming within the ambit of Order 47 of C.P.C. and when there is an error apparent on the face of the records, which means the error, which strikes one on mere looking at record and would not require any long drawn process of reasoning on points without any elaborate arguments



being made for establishing it, any other attempt would amount to an abuse of liberty given to Tribunal. The Court should be conscious that scope of the review cannot be extended for doing any other thing.

5. In view of the foregoing reasons, we do not find any merit in this review application and the same is accordingly dismissed.

  
**Member (A)**

  
**Member (J)**

/M.M/