

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 16th day of April, 1997

COURT:

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Review Application No.1402 of 1993

In

Original Application No. 1408 of 1992

District : Kanpur

Union of India through

Supdt. of Post Offices, Kanpur. Applicants

Versus

Ram Khilawan Respondent

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

This application was filed seeking review of the order dated 22-4-1993 by which OA No. 1408 of 1992 was allowed. The aforesaid OA was filed by the applicant challenging the order by which his services as E.D.A. were terminated. The Bench or the Tribunal deciding this OA considered the rival pleadings and came to the conclusion that if the applicant's appointment was after observing necessary formalities, merely because, out of candidates sponsored, only the applicant had submitted application and others did not, cannot vitiate the appointment.

2. In the present review application the ground which has been taken is that the decision of the Tribunal was erroneous, inasmuch as, the applicant not having completed three years of continuous service was not entitled to any notice or opportunity. The other ground taken is that the selection was devoid of any

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competition since out of three candidates sponsored by the Employment Exchange only the applicant submitted the application.

3. The aforesaid grounds have ~~never~~ been taken into consideration by the Bench which had decided the OA. Thus, what the present applicants in the review application are seeking is the reconsideration of the controversy on merit. This does not come within the narrow scope of review application. It is settled law that an order already passed can be reviewed only if it is shown to be suffering from any error apparent on the face of record or if any new fact is brought out which warrants review of the order already passed, provided such fact could not be brought earlier despite exercise of due diligence.

4. It is clear from the order passed that it does not suffer from any apparent error on the face of record, nor has the applicant in the review has brought out any new fact, which was earlier considered. The review application has, therefore, no merit and is dismissed accordingly.

J. Kumar
Member (J)

W.E.
Member (A)

Dube/