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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

R.A. No. 37 of 1995 In

O.A. No. 543 of 1993

Allahad this the 6th day of September, 1995

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

Shri D.B. Kausar

...Applicant

Versus

1. Comptroller & Auditor General of India, New Delhi.
2. Secretary, G.O.I. Department of Personnel, New Delhi.
3. Principal Accountant General, Allahabad.
4. Shri Saheb Deen
C/o Respondent No.3, Allahabad. ..Respondents

ORDER

Mr. Justice B.C. Saxena, Vice-Chairman

This Review Application is directed against an order passed in O.A. No. 543 of 1993 and other connected matters on 31.1.1995. A perusal of the judgment shows that after a detailed analysis of Section 21 of the Administrative Tribunals Act, 1985 it was held that the circular issued by the C.A.G. is dated 17.3.1960 and the applicant has prayed for his promotion with retrospective effect from 16.5.1970. The O.A. had been filed on 7.3.93 after a lapse of more than 20 years. On the basis

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of 2 Supreme Court decisions and several other other decisions by various Benches of the Tribunal it was held that stale and belated claim should not be entertained. We held that the law of limitation as laid down in Section 21 of the A.T. Act cannot be brushed aside without assigning sufficient grounds for condoning the delay. In view of this, we also indicated that we do not feel called upon to adjudicate the merit of the claim in this O.A. In the review petition various grounds have been taken in justification of the merit of the claim. In view of our findings, the petition was highly belated. We had clearly indicated that there is no question of entering into the merits of the matter. The language used in the review petition is objectionable and derogatory. We leave the matter at that and only express our deep anguish at the language used and hope that the applicant who has now entered the profession will not attempt to use such language. We have also taken note of the allegation now sought to be made against one of us (Hon'ble Mr. K. Muthukumar, Member(A)). The allegation of bias against Member (A) is totally baseless and betrays an unwarranted prejudice against the Hon'ble Member (A) and is also couched in a language which could clearly amount to Contempt of the Tribunal. It was not for the first time that the Division Bench decided the O.A. in question and decided matters of employees belonging to the Office of the Comptroller and Auditor General of India. No such allegation has been made or pointed out when the earlier O.As. were decided nor any

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such objections were raised when the O.A. No. 543 of 1993 was taken up for hearing by the said Bench. We express our deep anguish over this matter also and leave it at that.

2. The grounds distinguishing the various decisions indicated and relied upon in our order to support the conclusion of the O.A. being barred by time have not been understood in the proper perspective by the applicant even if we have erred on a question of law though we emphatically hold that the review is not the remedy. The review petition has to be considered in the light of the provisions of Order 47 Rule 1 CPC. A review application would not lie for reagitating the same pleas over again. The applicant has not alleged nor even produced any fresh evidence which was not in knowledge at the time when the O.As. were dismissed. Merely stating that the error apparent on the face of the record is not sufficient. Review of a judgment is a serious matter. Resort to review of a judgment should only be when there is a glaring omission or apparent mistake or grave error which has crept in by judicial fallibility. The parties are not entitled to seek the review of the judgment merely for the purposes of rehearing and fresh decision of the case.

3. We find that the typographical error pointed out in para 41 A & B seem to be typographical error. In para 4, page 21 of the O.A. instead of 14.10.1958 as the date of appointment of Shri Saheb Deen, it should be read as 14.10.59. The scale of pay indicated at page 22 were extracted from OA 117 of 1988 filed by O.P. Khare. Nothing much turns on the typographical error pointed out in para

4. O.A. 117 of 1988 filed by O.P. Khare. Nothing much turns on the typographical error pointed out in para

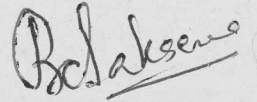
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41 A & B and as such the review of the order passed in O.A. 543 of 1993 is, therefore, not called for. The review application is summarily rejected.



(K. MUTHUKUMAR)
MEMBER (A)



(B.C. SAXENA)
VICE CHAIRMAN(J)

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