

CENTRAL ADMINISTRATIVE TRIBUNAL : ALLAHABAD BENCH
ALLAHABAD.

No.R.A. 76/2003
(O.A.29 of 2002).

DATE OF ORDER : 4.2.2004.

BETWEEN :

DHARM PRAKASH VERMA S/o Late Dr.S.N.Verma,
R/o 7, Bengali Mohalla,
Karanpur, Dehradun - 248 001 (Uttaranchal).

... Applicant

A N D

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi-110 011.
2. The Director General,
Ordnance Factories and the Chairman,
Ordnance Factory Board,
10-A, Khudi Ram Bose Road,
Kolkata-700 001.
(West Bengal)

Counsel for the applicant : Applicant in person.

Counsel for the respondents: Mr.G.R.Gupta.

C O R A M :

The Hon'ble Mr.S.K.Agrawal, Member (A).

The Hon'ble Mrs.Meera Chhibber, Member (J).

Disposed of by Circulation.

O R D E R

(Per Hon'ble Mr.S.K.Agrawal, Member (A))

The applicant has filed this review application no.
76 of 2003 in O.A. 29 of 2002 for review of the judgment
dated 30.5.2003 passed in the O.A.

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2. The applicant has sought review of the order dated 30.5.2003 passed in O.A.29/2002, mainly on the following grounds :

(i) The verdict reserved on 20.5.2003 be reviewed, after thorough and critical perusal and analysis of the facts placed through O.A.29/2002, M.A.3587/02, M.A.30/03 and the rejoinder reply before it in the interest of justice and fair play to remedy the injustice inflicted on the aggrieved applicant due to overlooking vital facts, resulting in error of law under 'ex-debito justitiae.'

(ii) To clarify the definite and explicit meaning of the phrase - "the legitimate rights of the petitioners belonging to optical category" as these rights are protected by the guarantee of Article 14, 16, 19 and 21 of the Constitution of India.

(iii) To clarify if the explicit rational conclusions (Para 8 of judgment dated 5.1.1987) that "(a) Everyone belonging to mechanical or production classification cannot be considered for posts in optical category. (b) Only those appointed as Optical Apprentices can be eligible for these posts and (c) Thus a common seniority roll has no meaning." were to be considered by the defendants while weighing all factors involved to arrive at a policy by which the legitimate rights of the petitioners are not jeopardized.

(iv) To clarify whether the rules 3 and 9 of SRO 4/56 and rules 2, 4, 15, 16, 31 and 32 of SRO 8/73 were to be considered while weighing the factors involved (not various aspects) bonafide to lay down the policy by which the legitimate rights of the petitioners belonging to optical category are not jeopardized by

having a common cadre (not seniority) by the defendants?

(v) To clarify whether it had granted unguided and absolute discretion to the defendants to act fancifully to fill up the vacancies in optical category by appointment through "de hors rules" direct recruitment and through promotion and transfer of those declared ineligible in no uncertain terms by the Tribunal.

(vi) To grant exemplary compensation quantified at Rupees 30 lakhs (minimum) to each petitioner of T.A.1444/86 for keeping them as bonded slaves in disgrace, humiliation and mental torture, throughout the service span, usurping their rights.

(vii) To grant the prayer made in C.A.29/2002 to the aggrieved petitioners of T.A.1444/86, giving proper recognition to their exceptional qualifications and specialized trainings in India and abroad.

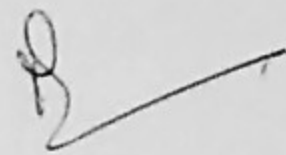
(viii) To grant the desired relief to the petitioners of T.A.1444/86 applying the principle "Actus Curie Neminem Gravabit" and "ex debito justitiae" exercising the power over the defendant authorities under Article 226 and 227 in the vindication of its position, as both the Hon'ble High Court at Allahabad and the Apex Court had directed the applicant to this Tribunal for justice and proper desired relief.

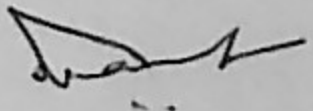
(ix) To grant the costs of prolonged multiple litigations for seeking remedy of injustice.

3. We have carefully gone through the detailed review application filed by the applicant as also the judgment and order dated 30.5.2003 but do not find any mistake apparent from the records which may require review of the case. The applicant indirectly wants a re-hearing of the matter for detecting an error in the decision passed by this Tribunal and thereafter correcting the same, which do not fall within the ambit of review jurisdiction. The error apparent on the face of the record is one which is self-evident in the judgment and does not require any process of hearing or reasoning.

4. To our mind, there is a clear distinction between an erroneous decision ~~and~~ an error apparent on the face of the record. While the first one can be corrected by a higher forum of Judiciary, the latter can be corrected only at our end.

5. Since we do not find any error apparent on the face of the record, in our view, the review application is devoid of merits and the same is dismissed by circulation, with no order as to costs.


(Meera Chhibber)
Member (J)


(S.K. Agrawal)
Member (A)