

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

R.A. No. 57 of 1996;

(O.A. No. 1108 of 1994)

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. PARITOSH DUTTA, JUDICIAL MEMBER.

KANAI LAL DAS & ORS.

VS.

UNION OF INDIA (Defence)

Counsel present at the time of final hearing of the O.A.

For applicants: Mr. M.M. Mullick, Counsel.

For respondents : Ms. U. Sanyal, Counsel.

R.A. disposed of by circulation.

Date of Order : 5.8.96

O R D E R

This review application has been directed against the Order dated 27.3.1996 passed in O.A. No. 1108 of 1994. That application was filed by 48 applicants jointly with the prayer that their pay be stepped up on par with that of the respondent no. 4, who was promoted as Fitter Gr-B with effect from 27.3.1985 drawing higher pay. The application was dismissed for lack of merit.

2. The present applicants, who are the original applicants in the O.A, now filed this application narrating the facts of the case once again. They have contended that mere perusal of the two findings namely, para 4 of the present judgement and para-5 of the Judgement in O.A. 1024/91 will show that the Tribunal did not



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effectively deal with the and determine the important issue in the present case. as to whether the applicants were similarly situated persons with those of the applicants in the O.A. 1024/91. They have further averred that in order to avoid stagnation, selection grade was introduced which is not a promotion but mere re-designation of the Fitter in the selection grade. The applicants contend that the Tribunal has misread and misconstrued the facts of the case with those of the case of the applicant in the O.A. 1024/91.


3. A review application is distinct and different from a petition of appeal. Consequently, an application for review has a very limited scope. Such an application can be allowed, only when there is an error apparent on the face of the record or there has been any discovery of fact or information subsequently which could not be produced by the party earlier despite due diligence. But a review application cannot be utilised for the purpose of having a forum for getting the matter re-heard. In this connection, the observation made by the Hon'ble Apex Court in the case of - Northern India Caterers (India) Ltd. Vs. Lieutenant Governor, Delhi, reported in AIR 1980 SC 674, is relevant. In that case, their Lordships held that - it is well-settled that a party is not entitled to seek a review of a Judgement delivered by the Court merely for the purpose of a re-hearing and a fresh decision of the case. The normal principle is that a Judgement pronounced by the Court is final and a departure from a principle is justified only when circumstances of a substantial nature and compelling character make it necessary to do so. A similar view was taken by the same Hon'ble Court in the case of - Smt. Meera Bhanj Vs. Smt. Nirmala Kumari, reported in 1994 (4) Scale 985 and also in A.T. Sharma's case reported in AIR 1979 SC 1047.

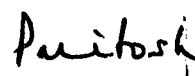

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4. I have carefully considered the contents of the review application and also the Judgement impugned. After considering carefully the facts and circumstances of the case, I am satisfied that there is no circumstance of any substantial nature or compelling character that warrants a review. In other words, there is no justifiable ground whatsoever for reviewing the Judgement. Hence, the application is liable to be dismissed.

5. For the reasons aforesaid, I do not find any merit in the application. It is, therefore, dismissed without passing any Order as to costs.

I agree


(B.C. Sarma)
Member (A)
9/8/96

 
(P. Dutta) 5.8.96
Member (J)