

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Review Application No.39/2004.

In

Original Application No.216/2002.

Lucknow; this the day of 8th October, 2004.

HON'BLE SHRI S.P. ARYA, MEMBER (A).

HON'BLE SHRI M.L. SAHNI, MEMBER (J).

Union of India through its Secretary, Ministry of Agriculture, New Delhi and Others.

...Applicant/Reviewiest.

By Advocate:-Shri S.P. Singh.

Versus.

Dr. Abu Ghanim.....Opposite Party.

By Advocate:-Shri Afzal Siddiqui.

O R D E R

(BY SHRI M.L. SAHNI, MEMBER (J)).

The present Review Petition dated 19/27.4.2004 has been filed by the respondents of the original O.A.No.216/2002 (hereinafter referred to reviewiest) requesting for reviewing the judgment and order dated 18.3.2004 on the ground, inter-alia that in Para-10 of the judgment, it has been wrongly stated that the disposal of the representation of the original applicant ^{was} after 11 years, ^{while factually} ~~because~~ the Respondent No.2 had decided the representation of the original applicant submitted on 3.2.2001, on 10.1.02.

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2. The Review petition is also accompanied of an application of even date for condonation of delay stating that the office of the deponent who filed the affidavit accompanied with the Review petition is situated at Rajastjan and the correspondence between the department and their counsel took some time causing the delay in filing the Review petition.

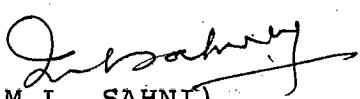
3. We have heard the learned counsel for the reviewiest and also of the original applicant (hereinafter referred to as the Opposite party) on whose behalf objections have been filed submitted that the reviewiest have failed to point-out in the review application any error apparent on the face of record to justify of the review of the order dated 18.3.2004 as is required by the Order 47 Rule 1 of CPC. Reliance has also been placed on two judgments reported as MEERA BHANJA (SMT) VS. NIRMALA KUMARI CHODHURY (SMT) (1995) 1 SCC 170 and PARSION DEVI AND OTHERS VS. SUMITRI DEVI AND OTHERS (1995) 8 SCC 715.

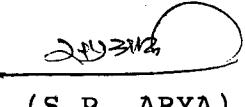
4. We have carefully examined the prayer for condonation of delay and we find that the reviewiest have successfully shown the just cause for delay in filing the review petition in this case and hence, delay is condone as prayed.

5. We find that the error pointed-out by the reviewiest in the order dated 18.3.2004 is with regard the period of deciding the representation of the opposite party as stated in Para-10 of the judgment. However, from the perusal of Para-11 of the judgment ~~order~~ it is clearly ^{reflected} mentioned that there was a

representation of the applicant was dated 15.2.1991. ~~No doubt and though admittedly~~, in the order dated 10.1.2002 there is reference to the representation dated 3.2.2001 in Annexure RA- 2 to the review application, ~~but~~ ~~yet after~~ considering the facts of the case in entirety, it was found that the applicant ~~have~~ been requesting the reviewiest~~s~~ since 15.2.1991 which was the reason for making observation with regard to the date of representation dated 15.2.1991. Even if this fact is ignored ~~still it is not likely to affect~~ ~~yet there is going to be no alteration~~ in the final decision as passed in the judgment. Furthermore, the law as laid down in the two judgments relied-upon by the learned counsel for the opposite party is quite clear that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. The review petition has to be entertained only on the ground of error apparent on the face of record. It must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions.

6. Since the error pointed out by the reviewiest in the order is not such an error which can ~~be~~ offset finding recorded in the order therefore, we find no merit in the review petition which is accordingly dismissed. No order as to costs.


(M.L. SAHNI)
MEMBER (J)


(S.P. ARYA)
MEMBER (A)

Dated: October, 2004.
Lucknow.
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