

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

R.A. No. 74/04(O.A.53/04)

Lucknow this the 17th day of Nov., 2004.

HON. MR. M.P. SINGH, VICE CHAIRMAN

HON. MR. M.L. SAHNI, MEMBER(J)

Dr. Mohd. Ishaq

Applicant.

versus

Union of India and others

Respondents.

O R D E R

BY M.L.SAHNI, MEMBER(J)

This Review application has been filed for review of the judgment and order dated 26.7.04 passed in Original application No. 53 of 2004, the operative part of which is as under:

"4. Without dilating upon the rival contentions of the parties we feel that in view of the impugned ^{list} (Annexure A) having been cancelled and withdrawn vide order dated 12.5.2003, there survives no cause of action because of the changed circumstances brought by the order dated 12.4.2004. There is left no order either for modification or for quashing as prayed. Hence, we hold that the O.A has become infructuous. The same is dismissed for the reasons stated ^{-b-} above. No order as to costs."

2. The review application has been filed inter alia on the ground that the Tribunal has overlooked the vital aspect of the impugned order dated 23.1.2004 ^{list of} was not cancelled or withdrawn in toto, but only the offer of alleged promotion to the applicant was cancelled and for this the applicant was also punished and debarred from promotion for one year, and the Tribunal failed to appreciate the basic controversy in the impugned order and the order impugned suffers from error on the face of record.

3. The scope of review as is well settled, is very limited as held in Meera Bhanja (Smt.) vs. Nirmala Kumari Choudhury (Smt.) (1995) 1 SCC, 170 and Parsion Devi and others vs. Sumitri Devi and others (1997) 8 SCC, 715. It was laid down in these judgments by the Hon'ble Supreme Court that the review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of order 47, rule 1 of the C.P.C. The Review has to be entertained only on the ground of error apparent on the face of record and not on any other ground. The error apparent on the face of record 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. It is further stated in Parsion Devi (supra) that there is a clear distinction between the erroneous decision and error apparent on the face of record; while the first can be corrected by the higher forum, the latter only can be corrected by exercise of review jurisdiction. The review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."

5. In view of the above dictates of law clearly laid down by the Hon'ble Supreme Court, ~~WE~~ find ~~myself~~ ^{ourselves} unable to be persuaded by the grounds taken in the review ^{petition} that the error ^{as} pointed out ~~in the order~~ is such which entitles the applicant to get impugned order recalled to be reheard. Hence the Review petition is found meritless and is dismissed.


(M.L.SAHNI)

Member (J)

s.a.


(M.P.SINGH)

V.C.