

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKOW BENCH

R.A. 13/2005

Lucknow this the 28th day of March, 2005.

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

Ire O.A. No. 357/02

Shri Ram Deo Tewari Applicant

versus

O R D E R

The above Review Application has been filed by Union of India against the judgment and order dated 22.9.2004 in O.A. No. 357/02, under circulation rules, by which the O.A. was allowed and the respondents were directed to pay the applicant interest @ 12% per annum to be paid within 3 months from the date of receipt of the copy of order.

2. The R.A. has been filed interalia on the grounds that the Tribunal has committed an error on face of record ^{by} placing reliance on order dated 3.8.01 passed in O.A. 51/2000, as the present case is entirely on different footing; that at the time of retirement the applicant was getting pay at the stage of Rs 3200/- per month and the applicant had opted pre-revised pay scale as these were more beneficial to him and his pension was revised accordingly and the applicant had represented for allowing fitment benefit of 40% of the basic pay by way of fresh option on 24.12.99 opting for revised pay scales.

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." Reference may also be made to a recent judgment in (2003) 11 SCC, 658 in re Union of India & others vs. Tarit Ranjan Das on the subject.

5. In view of the above dictates of law clearly laid down by the Hon'ble Supreme Court, I find myself unable to be persuaded by the grounds taken in the review, that the error 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) 26/3/05
Member (J)

S.A.