

**Central Administrative Tribunal Lucknow Bench
Lucknow**

R.A. No. 16/2005 in Original Application No: 335/96

This, the 8th Day OF SEPTEMBER 2005

**HON'BLE SHRI SHANKER RAJU MEMBER (J)
HON'BLE SHRI S.P. ARYA MEMBER (A)**

Bhoop Narain Verma aged about 39 years son of Sri Mahadeo Prasad Verma R/o Village Ram Patti, Post Kadiapur, District Ambedkar Nagar

Applicant.

BY Advocate:Shri Dharmesh Sinha

VERSUS

1. Chief Post Master General, Uttar Pradesh, Parimandal, Lucknow and others

Respondents.

BY Advocate: Sri Deepak Shukla for Sri Prashant Kumar

ORDER (ORAL)

BY HON'BLE SHRI SHANKER RAJU MEMBER (J)

Heard the counsel for the parties.

2. This review is directed against the order dated 13.1.2005 where appointment of respondent No.6 as EDM has been upheld.

3. Learned counsel for applicant contends that the notification issued for the post in 1994 does not indicate the post either is reserved. The matter, though, O.A. that merit should be

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the basis of passing 8th standard yet from the reply of the respondents, we find that only on the assumption that the post was meant for SC , the appointment of respondent No.6 has taken place.

4. Though review cannot be resorted to by way of re-agitating the issue or fill the gaps, however, the limited scope for review is when there is an error on the face of the record which would be an error which strikes on the face of it and requires no long drawn process to unearth it. However another ground is discovery of new material which even after exercise of due diligence , the contending party could not produce the document which has a bearing in the case invariably review is to be allowed to prevent miscarriage of justice and also with an object to impart justice to the litigant.

5. In the above view of the matter , the notification now produced by the applicant which was in the possession of the respondents being ~~custodian of the record~~ clearly indicates that the post of SC in 1994 was not meant for SC. Accordingly,

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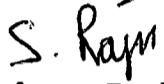
decision of the respondent to appoint a SC candidate (Res.6) is erroneous and this issue requires reconsideration.

6. The concept of review has changed in years and now a pragmatic view has been taken by the Apex Court in **Surjeet Singh Vs. Union of India 1997 10 SCC 592**. The Apex Court ruled that if a mistake is committed by the Tribunal, it is duty bound to correct it with grace by way of review.

7. An error in decision should not make the legitimate holder of the legal plea to ^h **Suffer**. This would be the concept of fair play and imparting justice to those who come before us for redressal of the grievance. The Apex Court in one of the cases, while dealing with a sports case in **Board of Control of Cricket Vs. Netaji Cricket Club 2005 AIR SCW 230** while enlarging the scope of order XLVII Rule 1 of CPC ruled that while exercising the review jurisdiction the court would take into consideration even a subsequent ^h ~~case~~ for the purpose of rectifying its ^h ~~error~~.

8. As we find that there is a mistake committed by us for want of proper documents placed before us, now on discovery of new material, we recall our orders dated 13.1.2005 and restore the O.A. back to file. R.A. is accordingly allowed. Parties to be put on notice for hearing.


(S.P. Arya)
Member (A)


(Shanker Raju)
Member (J)

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