

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 9/2009 in O.A. No.160/2006

This, the ¹³ day of February, 2009

Hon'ble Mr. M. Kanthaiah, Member (J)
Hon'ble Dr. A.K. Mishra, Member (A)

Amit Kumar Srivastava aged about 42 years son of Sri Shyam Lal Srivastava, resident of 4/21, Vishesh Khand, Gomti Nagar, Lucknow.

Applicants

By Advocate: Sri Y.S. Lohit

Versus

1. Union of India through Secretary, Ministry of Information and Broadcasting, Central Secretariat, New Delhi.
2. Director General, All India Radio, Akashwani Bhawan, Sansad Marg, New Delhi.
3. Station Director, All India Radio, 18, Vidhan Sabha Marg, Lucknow.
4. Chairman, Prasar Bharti (Broadcasting Corporation of India) Doordarshan Bhawan, Copernicus Marg, New Delhi.
5. Chief Executive Officer, Prasar Bharti (Broadcasting Corporation of India) Doordarshan Bhawan, Copernicus Marg, New Delhi-110001.

Respondents

By Advocate: None

ORDER (Under Circulation)

BY HON'BLE SHRI A.K. MISHRA, MEMBER (A)

This is an application under section 22 (3)(f) of the Administrative Tribunal Act, 1985 read with Rule 17 of the CAT (Procedure) Rules, 1987 for a review of order dated 20.1.2009 in O.A. No. 160/2006.

2. The main ground in which the review is being sought is that there are errors apparent on the face of the record and not proper appreciation of relevant Govt. instructions regarding regularization of part time Casual announcers and recruitment of disabled



persons under the policy of Special Protection for this category of candidates. From the grounds mentioned in the application, it is seen that all of them relate to appreciation of materials on record or their interpretation.

3. We have carefully gone through the order which has discussed in detail about the position and gave a finding that there was no infirmity in the orders of the respondent authorities on the representation of the applicant for regular appointment. It was held that the applicant could take advantage of reservation policy of the Govt. for disabled candidates as and when direct recruitment is being made from open market.

4. The scope of review is very limited in nature. The phrase 'error apparent on the face of record' has been clarified by the Hon'ble Supreme Court in ***State of West Bengal and others Vs. Kamal Sengupta and another reported at (2008) 8 SCC 612***. Paragraph 22 of this judgment is extracted below:-

"22. The term "mistake or error apparent" by its very connotation signifies an error which is evident per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of the record for the purpose of Order 47 Rule 1 CPC or Section 22 (3)(f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/ tribunal on a point of fact or law. In any case, while exercising the power of review, the court/ tribunal concerned cannot sit in appeal over its judgment/ decision."



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5. In view of the aforesaid analysis, we cannot possibly sit in judgment over our own orders because a different interpretation or different appreciation of the facts could be possible. In the circumstances, we do not consider this review application as maintainable, hence rejected.


(Dr. A. K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)

HLS/-