

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Review Application No. 15/2009
In O.A. 170/2008**

Lucknow, this the 2nd day of April, 2009

Hon'ble Mr. A. K. Mishra, Member (A)

Uma Shanker BajpaiApplicant.

By Advocate Sri R.C. Saxena.

Versus

Union of India & Others.Respondents.

Order (Under Circulation)

By Hon'ble Dr. A. K. Mishra, Member (A)

This is an application for a review of the order dated 11.2.2009 of this Tribunal in O.A. No. 170/2008. From a perusal of the application, it is clear that the applicant is aggrieved with the appreciation of the facts and law made in the order which, has been challenged in this review application. According to him, the relief prayed for by him should have been granted on the basis of his arguments and the order was an unwarranted one.

2. It is the settled position of law that the scope of review is very limited in nature. The review application cannot be utilized for reassessment of the materials presented in O.A. Neither can it be used for rectification of even an erroneous judgment. A review is not the same as an appeal. The exact meaning of the phrase "error apparent on the face of the record" has been lucidly explained by the Hon'ble Supreme Court in their judgment in State of West Bengal and others Vs. Kamal Sengupta and another reported at (2008) 8 SCC 612. Relevant portion of the judgment is extracted below:-

"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."

3. Therefore, the argument that there was erroneous appreciation of the facts and law cannot be accepted as an error apparent on the face of the record and a valid ground for a review. If the applicant is aggrieved with the order, he should seek redress at appropriate judicial forum.
4. In the circumstances, this review application is dismissed.

Apri 2009
(Dr. A. K. Mishra)
Member (A)

v.

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Rakesh
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