

R.A. No. 27/2007 in Original Application No. 573/2005

This the ¹²6 day of August, 2008

HON'BLE SHRI M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K.MISHRA, MEMBER (A)

Union of India and others

Applicant

By Advocate: Sri K.K.Shukla and Sri S.P.Singh

In Re

J.P. Soni

Applicant

By Advocate: Sri Arvind Kumar

Versus

Union of India and others

Respondents

ORDER

BY HON'BLE SHRI M. KANTHAIAH, MEMBER (J)

The respondents in the main O.A. have filed this application for review of the orders of this Tribunal dated 18th July, 2007 in O.A. No. 573/2005 on the ground that this Tribunal did not consider the points raised by the respondents in their counter reply and also further stated that the Tribunal relied on the citations of the case laws cited by the applicant by interpreting it wrongly. They also relied on the following judgments stating that this Tribunal has to consider all those judgments for deciding the claim of the applicant and thus filed this review application:-

- i) 2001 -1-SLJ, 1419 SCC, State Bank of India and others Vs. Arvind K. Shukla.
- ii) State of U.P. and another Vs. Chandrapal Singh and Anr.
- iii) State Bank of India Vs. Tarun Kumar Banerjee and others (2000) 8 SCC 12,
- iv) Air India Ltd. Vs. M. Yogeshwar Raj
- v) State of Punjab Vs. Ram Singh AIR 1992 SC 2188
- vi) Management of RBI Vs. B.B. Panchal AIR 1994 SC 552
- vii) SBI Vs. S.K. Endow 1994 (1) SLJ SC 872
- viii) Govt. of T.N. and Anr. Vs. A.Rajapandian AIR 1995 SC 561

2. Learned counsel for the respondents ^{have} have opposed the claim of the applicant for reviewing order of this Tribunal.

3. Heard both sides.

4. The admitted facts of the case are that the applicant filed Original Application with a prayer to set aside the order of dismissal dated 29-7-2005 (Annexure 13) along with appellate order dated 5.10.2005 (Annexure 16) dismissing him from service and with all consequential benefits.

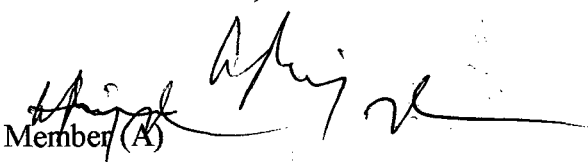
5. Both sides have filed their respective pleadings. After hearing both side advocates, this Tribunal allowed the claim of the applicant vide its judgment and order dated 18th July, 2007.

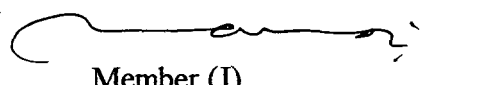
6. On perusal of the order of this Tribunal, it clearly shows that points raised by both sides in respect of claim of the applicant in challenging the impugned orders (Annexure 13 and 16), this Tribunal has considered and also gave finding on each and every point, including the conflicting findings given by the enquiry officer which was the basis for imposing punishment on the applicant. The legal aspects in respect of the report of the enquiry officer have also ^{been} discussed. Thus, there are no merits in the claim of the respondents that the points raised in support of their claim have not been considered by this Tribunal.

7. By way of this Review Application, the respondents are intending to argue the matter afresh raising all those points which have been discussed and also to rely on certain citations of the Apex Court which is beyond the scope of review and such reappraisal is possible only by way of appeal.

8. The scope of review under ^{Order 47 Rule (1)} ~~Article 47~~ of the CPC is very limited. A party is entitled to make such claim if any new facts are brought which were not in his knowledge at the time of arguments and also if there was any mistake or error apparent on the face of record. But no such requirements are satisfied in the present application. As such, there are no merits in the claim of the applicant for reviewing the orders of this Tribunal dated 18.7.2007 and thus the same is liable for dismissal.

9. In the result, R.A. is dismissed.


Member (A)


Member (J)
06-08-2008