

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

Review Petition No.67/2000
IN
Original Application No. 600/1999

Dated: 1.2.2001

Coram: Hon'ble Shri B.N. Bahadur, Member (A)

Shri S.N.Kamble,
Tinsmith Gr.I
L.S.D. Section,
512, Army Base Workshop
Kirkee, Pune-411003. Applicant
(Applicant by Advocate Shri S.P.Saxena)

vs.

Union of India through
1. The Secretary
Ministry of Defence
DHQ P.O.
2. The Commandant
Army Base Workshop,
Pune - 411 003.
3. The Commanding Officer
Military Hospital
Wellington, Dist.
Nilgris (TN).
(Respondents by Advocate Shri R.K.Shetty)

O R D E R

[Per Shri B.N.Bahadur, Member (A)]

I am considering today Review Petition No.67/2000 in
Original Application No.600/99, as also Misc. Petition
No.1012/2000, the latter having been filed as a prayer for
condonation of delay in filing of the aforesaid Review Petition.
The notices were issued to both sides, before hearing the Petition
and I have had the benefit of hearing Learned Counsels Shri
R.K.Shetty and Shri S.P.Saxena, for the respective sides.

2. At the very start, I remind myself that a Review Petition
is heard on the principles laid down in the CPC, and that it will

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have to be considered whether there is any error apparent on the face of the record or whether this is a case of some new facts having come to light, which facts were not within the knowledge of the Review Petitioner, even considering due diligence etc.

3. I have gone through the Review Petition and I have heard the Learned Counsel Shri R.K.Shetty and find that basically this is not a case of any error apparent on the face of the record in the orders made. What is being sought is a re-assessment of the arguments and facts/*merits* and re-interpretation. In fact, more than once, a point has been made in argument that certain aspects have been wrongly appreciated and there has been legal impropriety in the Judgment. Well, as the original Respondents have a right to entertain such grievances, these cannot be agitated through a Review Petition, as is being done. They have to be agitated in the appropriate forum, provided as per law. They cannot come up as a matter for relief in a Review Petition.

4. In respect of a point of information furnished regarding seniority list, this is also not a case of simple error on record. In fact, no new documents can be stated to have come to light. It is seen from the Roznama that more than one chance were given for production of documents. Even here, considering the arguments made, what is being sought is a re-appreciation of the points covered in detail in the order dt. 25.7.2000.

5. Since the matter fails on merit, I am not going into the aspect of the delay, which clearly exists.

6. The Review Petition is therefore dismissed. No orders as to costs.

B.N.Bahadur

(B.N.BAHADUR), 01-02-2001
MEMBER (A)

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