

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No. 38/99 in OA.NO. 617/93

Dated this the 2nd day of November 1999.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

U.K.N.Kutty

... Applicant

V/S.

Dept. of Atomic Energy & Ors.

... Respondents

O R D E R

{Per: Shri D.S.Baweja, Member (A)}

This Review Application has been filed seeking review of order dated 24.8.1999 passed in M.P.No.158/94 in OA.NO.617/93.


2. This Review Application is being disposed of by Circulation.

3. As held by Hon'ble Supreme Court in the case of Aribam Tuleshwar Sharma vs. Aribam Pishak Sharma, AIR 1979 SC 1047, the power of review may be exercised on discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made. It may be exercised where some mistake or error apparent on the fact of the record is found. It may also be exercised on any analogous ground. But it may not be exercised

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on the ground that the decision was erroneous on merits.

4. Keeping in view the law laid down by the Hon'ble Supreme Court, we have carefully gone through the averments made in the review application making out a case for review of the order dated 24.8.1999. The applicant has pointed out some mistakes, errors and omissions in the order. The mistake with regard to name of the counsel is of only technical nature and does not call for any review of the order. As regards the omissions pointed out, the contention of the applicant is not tenable as in the order dated 20.7.1999 referring to the earlier order dated 2.1.1995, the pending issue on which the Bench did not pass ^{any} ~~any~~ order was taken up for arguments. As regards the errors brought out, we find that the submissions made by the applicant are nothing but what he had already brought out at the time of hearing of the M.P. Order dated 24.8.1999 has already gone into these submissions. The applicant has not brought out any new facts but has reiterated his earlier submissions seeking a review of the order as if it is erroneous on merits and the matter should be re-heard and fresh findings recorded. This is not the scope of the review application. The present review application is more of an appeal in disguise than a review application. As held by Hon'ble Supreme Court, such a review application is not maintainable.



on the ground that the decision was erroneous on merits.

4. Keeping in view the law laid down by the Hon'ble Supreme Court, we have carefully gone through the arguments made in the review application making out a case for review of the order dated 24.8.1977. The applicant has pointed out some mistakes, errors and omissions in the order. The mistake with regard to name of the counsel is of only technical nature and does not call for any review of the order. As regards the correctness pointed out, the contention of the applicant is not tenable as in the order dated 20.7.1977 referring to the earlier order dated 2.1.1975, the pending issue on which the Bench did not pass an order was taken up for arguments. As regards the errors pointed out, we find that the submissions made by the applicant are nothing but what he had already brought out at the time of hearing of the M.P. Order dated 24.8.1977 has already gone into these submissions. The applicant has not brought out any new facts but has reiterated his earlier submissions seeking a review of the order as if it is erroneous on merits and the matter should be re-heard and fresh findings recorded. This is not the scope of the review application. The present review application is more of an appeal in disguise than a review application. As held by Hon'ble Supreme Court, such a review application is not maintainable.

5. In the result, we find no merit in the review application and the same is dismissed. No order as to costs.

S.L. Jain
(S.L.JAIN)

MEMBER (J)

D.S. Baweja
(D.S.BAWEJA)

MEMBER (A)

mrj.

dd 21/11/99
order/Judgement despatched
to Applicant/Respondent (s)
on ~~25/11/99~~

25/11/99