

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI.

REVIEW PETITION NO: 2006/2004 IN
ORIGINAL APPLICATION NO: 307/98

CORAM: Hon'ble Shri Anand Kumar Bhatt - Member(A)
Hon'ble Shri S.G. Deshmukh - Member(J)
Sureshchandra Sitaram Unhale ... Applicant.

V/s

Union of India and others ... Respondents.

ORDER ON REVIEW PETITION NO 2006/2004 IN OA
307/98 BY CIRCULATION:

DATED: 25-4-2005

The present CP is filed by the applicant for reviewing the order dated 20.1.2004 in OA 307/98 passed by Division Bench of the Tribunal.

2. The OA was filed for directing the respondents to consider the applicant for promotion to Senior Time Scale of Indian Telecommunication Services Group 'A' on adhoc basis from the date of his juniors have been promoted along with all consequential benefits of pay etc.

3. The applicant sought review of the order in question on the ground that the Tribunal confused the Screening Committee and Departmental Promotion Committee as one and the same. Thus the findings of the Tribunal in para 8 and 9 of the order are erroneous. It is the contention of the applicant that ratio in Jankiraman's case cannot be said not applicable and finding in para 10 of the order are otiose. It is also contended that undue stress has been laid down in para 11 of the order in regard to the sanction for prosecution. There are many cases where the sanctions for prosecution are issued but the charge sheets are not filed because the material of preliminary investigation fall short of filing a charge sheet. Thus the Review Petition,

4. In Ajit Kumar Rath Vs. State of Orissa and others 1999 (9) Supreme 321 the Lordships have observed that " the power available to Tribunal is same as available to the Court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order

47 CPC. The power can be exercised on the application of a person on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the fact of the record or for any other sufficient reason. A review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier that is to say, the power can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it.

An erroneous view of the evidence or law cannot be a ground for review, though it may be a ground for an appeal. The contention of applicant that a judgement proceeds on incorrect exposition of law cannot be the ground for review. Review does not re-open the question already decided between parties. We do not find any patent error apparent on the face of

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record. The applicant has not made out any ground for review the order of the Tribunal dated 28.1.2004. Accordingly the Review Petition is dismissed.

M. Deshmukh
(S.G. Deshmukh)
Member(J)

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Member(A)

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