

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Review Application No. 17/2003 with MA 294/2003

DATE OF ORDER: 15.09.2003

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication, Government of India, New Delhi.
2. Senior Superintendent of Post Offices, Jaipur City, Jaipur.
3. The Secretary to the Government of India, Department of Personnel & Training, Government of India, New Delhi.

V

... Applicants.

VERSUS

Kumari Anita Jain daughter of Late Gopal Lal Jain, aged about 19 years resident of Plot No. B-15, Tulsi Dasji Ki Bagaachi, Janta Colony, Jaipur.

... Respondents.

Mr. N.C. Goyal, Counsel for the applicants.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The Reviewing applicants (respondents in the OA) have filed the present Review Application for reviewing the order dated 14.5.2003 passed in OA No. 213/2001. Alongwith this Review Application, the applicants have also filed an MA No. 294/2003 for condonation of delay as the Review Application has been filed after the expiry of sixteen days.

2. The grounds <sup>taken</sup> given by the reviewing applicants for reviewing the aforesaid judgement is that this Tribunal in Para 5 has held that till such time the respondent department did not laid down norms in order to objective assessment in determining the comparative merit for compassionate appointment cases, the department will follow the procedure/norms laid down by the Ministry of Defence in this regard vide their ID dated 09.03.2002.

3. The contention of the reviewing applicants is that such a direction should not have been issued as the Department is following the instructions issued by the DOPT vide its <sup>CM (107) 9-18-1998</sup> ID dated 9.3.2002 which

prescribes the detailed procedure regarding objective assessment to be followed while making compassionate appointments.

4. I have considered the submissions made by the learned counsel for the Reviewing applicants.

5. I am of the view that the applicants have not made out any case for reviewing the aforesaid judgement. This Tribunal had issued the aforesaid direction, relying upon the decision rendered in OA No. 215/2001, Jai Kishan Meena vs. Union of India & Others, decided on 06.05.2003 pertaining to the same department. A review against the aforesaid decision was also filed by the Postal Department, which has also been rejected by detailed reasons. by holding that no case of reviewing the judgement has been made under order 47, Rule 1 of the CPC. <sup>entirely</sup> ~~It~~ was further held that the Tribunal could have ~~interpreted~~ <sup>entirely</sup> the matter if the error apparent on the face of the record is found. A review cannot be sought merely for a fresh hearing or arguments or correction of an erroneous view taken earlier. The power of review 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.

6. In the instant case also, the reviewing applicants wants review and re-hearing of the judgement on the ground that the Department is already following the DOPT instructions and as such there was no necessity to adopt the norms as laid down by the Ministry of Defence in this regard vide their ID dated 9.13.2002. It is not permissible and ~~as such~~ as such the present Review Application is dismissed with no order as to costs.

(M. L. SAHNI)  
MEMBER (J)