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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR

Date of order: 31.08.2000

RA No.25/2000 (OA No.7/95)

Hanuman Dutt Mangal S/o Shri Keshav Deo aged 61 years,
resident of Telipara Deeg, Bharatpur, Ex. Postal Assistant,
Head Post Office, Alwar.

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Ministry of Communication, New Delhi.
2. Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. Chief Postmaster General, Rajasthan Circle, Jaipur
4. Director Postal Services, Jaipur Region, Jaipur
5. Superintendent of Post Offices, Bharatpur Division, Bharatpur.

.. Respondents

ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

This Review Application has been filed to recall/review the order dated 30.6.2000 passed in OA No.7/95, Hanuman Dutt v. Union of India and ors.

2. This Review Application has been filed after the expiry of 30 days but considering the submissions made in MA No.303/2000 for condonation of delay, the delay is condoned and the Review Application is considered on merits.

3. Vide order dated 30.6.2000, this Tribunal had

dismissed the said OA filed by the applicant with no order as to costs.

4. We have perused the averments made in this Review Application and have also carefully gone through the decision rendered by this Tribunal on 30.6.2000 in OA No.7/95.

5. The contentions put forward in this Review Application are that the grounds mentioned at 2,3, and 5 have not been considered by the Tribunal but the contention of the respondents that the applicant opted for defunct scale was accepted, whereas the applicant simply wanted to continue in Accounts line as per Ann.A8 in the OA.

6. The order dated 30.6.2000 was rendered in OA No.7/95 after due consideration of the entire material on record and hearing the arguments advanced by the learned counsel for the parties. The grounds taken at 2,3 and 5 as also the letter at Ann.A8 in the OA was also duly considered by us. As will be evident from para 4 of the order dated 30.6.2000, "the learned counsel for the applicant had vehemently argued that since the option letter dated 27.2.1993 (Ann.A8) was countersigned by Superintendent of Post Offices, Bharatpur Division, Bharatpur on 1.3.1993, the option letter needs to be considered invalid in view of the last date being 28.2.1993". It has further been observed in the said order of the Tribunal that "the applicant had first vide his letter dated 18.1.1993 (Ann.R1) requested that he be given time upto 28.2.1993 to consult and think it over and then gave the option". The department had sought options to remain in the defunct scale with last date as 28.2.93; the applicant sought time upto 28.2.93(Ann.R1) and then gave the letter dated 27.2.93 (Ann.A8) referring to the

department letter dated 13.1.93 seeking options. After all this, the applicant cannot turn around and say that it was not an option letter. If he did not want to opt for the defunct scale, he just could have said that and not given any letter at all as the instructions contained in the said letter of 13.1.193 clearly mentioned that those officials who ^{do not} opt within the stipulated period will be deemed to have opted for general line. Such a contention on the part of the applicant can at best be described as having his legs on both the boats with enjoying the higher pay in the defunct scale and if better benefits available in the open line later on, jump to the boat of the open line and at worst as a severe deviousness. In the circumstances, we had considered the letter dated 27.2.93 (Ann.A8) in the OA as the option letter given by the applicant and there is no justification for us to take a different view in this Review Application. It may also be mentioned that the decision rendered in the OA on 30.6.2000 was arrived at after considering all the material on record including all the grounds mentioned by the applicant.

7. What the applicant, therefore, really claiming through this Review Application is that this Tribunal should reappreciate the facts and material on record. This is beyond the purview of this Tribunal while exercising the powers of the review conferred upon it under the law. It has been held by Hon'ble the Supreme Court in the case of Smt. Meera Bhanja v. Nirmal Kumari, AIR 1995 SC 455, that reappreciating facts/law amounts to overstepping the jurisdiction conferred upon the Courts/Tribunal while reviewing its own decisions. In the present application also the applicants are trying to claim reappreciation of the facts and material on record which is decidedly beyond the power of review conferred upon the

Tribunal and as held by Hon'ble the Supreme Court.

8. It has been observed by Hon'ble the Supreme Court in a recent judgment Ajit Kumar Rath v. State of Orissa and Ors., JT 1999 (8) SC 578 that 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 of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate arguments being needed for establishing it. It may be pointed out that the expression "any other sufficient reason" used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule.

9. In the instant case, on perusal of the order under review and also the record as a whole, we are of the considered opinion that there is no error apparent on the face of the record and no new important fact or evidence has come into the notice of this Tribunal on the basis of which the order passed by the Tribunal can be reviewed.

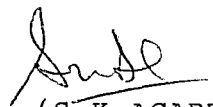
10. In view of above, and the facts and circumstances of this case, we do not find any error apparent on the face of the record to review the impugned order and, therefore, there is no basis to review the above order.

11. We, therefore, dismiss this Review Application having no merits.



(N.P. NAWANI)

Adm. Member



(S.K. AGARWAL)

Judl. Member