

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9/8/2001

RA No.23/2001 (OA No.124/94)

Bhupendra Singh s/o Shri Bhabhut Mal r/o Plot No.14, Panchwati Colony,
in front of Adarsh Nagar Railway Station, Ajmer.

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Western Railway, Ajmer.
3. Shri Vivek Mathur s/o Shri Pushkar Lal Mathur r/o 110/10
Near Amarkunj, Civil Lines, Opposite Savitri School,
Ajmer.

.. Respondents

ORDER

Per Hon'ble Mr. A.P.NAGRATH, Administrative Member

This Review Application has been filed seeking a review of the orders dated 9.7.2001 passed by this Bench in OA No. 124/94. By this order prayer of the applicant in OA was dismissed.

2. The Review Application is based on the plea that the four grounds on which the selection was challenged in OA, were not dealt with by the Tribunal on the basis of record and adverse finding was given mainly on the statement of the counsel for the respondents. Further ground taken is that the Tribunal committed an error of disbelieving the contention of the applicant that Shri Vivek Mathur and other persons were not eligible candidates for appearing in the selection as they did not possess requisite qualifications and that only Matriculation is not the prescribed qualification for the post. Another reason advanced for review is that the respondents misled the Tribunal by stating that Shri Vivek Mathur was a serving employee. Yet another ground of the applicant is that the Tribunal did not deal with

the contention of the applicant that for direct recruitment from amongst the non-serving employee ITI, course completed Act Apprentice was necessary qualification. It has been stated that the Tribunal then did not consider the interpretation in the light of advertisement issued by the respondents, as the respondents at no point of time said that the advertisement was wrongly issued or that some omission was made in the notification regarding eligibility requirement.

3. We have perused the order dated 9.7.2001 sought to be reviewed and we find that all the grounds raised by the applicant for seeking a review of the order have been discussed while arriving at the decision. What the applicant is seeking only is re-appreciating of the evidence produced before us or the arguments advanced at the time of hearing.

4. The scope of review of a judicial order is very limited. The occasion for review may arise if (a) an error apparent on the face of record might has occurred in the order, (b) if any new fact has come to the light which, despite due diligence, could not be brought to the notice of the Tribunal. In the instant case, the petitioner has not been pointed out any error apparent on the face nor does he claim that any new fact had come to the light. His whole contention is that the Tribunal has not dealt with the points raised by him in the OA on the basis of records but has mainly relied on the statement made by the counsel for the respondents and that the Tribunal has not drawn any adverse inference against the respondents by not producing the relevant records and by accepting the respondents statement in regard to missing of those records. Obviously, the applicant's entire emphasis is on re-appreciating the evidence, which does not fall within the scope of review of judicial orders. We do not find any of the grounds taken for review acceptable.

5. We, therefore, dismiss this Review Application.

anupd
(A.P.NAGRATH)

Adm. Member

S.K. Agarwal
(S.K. AGARWAL)

Judl. Member