

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9/8/2001

RA No.24/2001 (OA No.28/97)

Chhanu Mal Parasar s/o late Shri Ramji Lal Parasar r/o 2-CHA-10,
Aravali Vihar, Alwar.

...Applicant

Versus

1. Union of India through the Secretary, Department of Posts, M/o Communications, Dak Bhawan, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Deptt. of Posts, Jaipur
3. Senior Superintendent of Post Offices, Alwar Division, Alwar.

.. Respondents

ORDER

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

This Review Application has been filed under Sec. 17 with a prayer that order dated 13.7.2001 passed in OA No.28/97 be reviewed by the Tribunal. By the said order, prayer of the applicant in the OA was dismissed as having no merits.

2. Apart from repeating the submissions made in the OA, the grounds on which the review has been sought are-

- i) That the order states that applicant seeks quashing of the order dated 22.7.97 (Ann.A/1-A). The applicant's plea is that there was no such order dated 22.7.97. Thus this statement in the first sentence of the order is incorrect .
- ii) In the oral arguments, the applicant has relied on Sub-rule 12 of Rule 11 of CCS (CCA) Rules, 1965 but the does not find mention in the order dated 13.7.2001.



: 2 :

3. Scope of review of a judicial order is limited and the grounds for view could exist only if (a) there is an error apparent on the face of the record and (b) if a new material fact has come to the light having bearing on the case, which could not be brought to the notice of the Tribunal, despite due diligence.

4. The grounds taken by the applicant do not fall in any of these two necessary conditions for a review.

5. We have perused our order. It is obvious that the applicant is making an attempt to take advantage of a typographical error. The Ann.A/1A is dated 22.7.1996 whereas we find that it has been typed as 22.7.97 in the order dated 13.7.2001. Typographical error is not an error of facts or error of law and this is an attempt in futility on the part of the applicant.

6. Other ground taken is that the Tribunal did not take note of Sub rule 12 of Rule 11 of CCS (CCA) Rules. Rule 11 of CCA Rules does not have any Sub rule 12. It only has Government of India decision No.12 which lays down that every penalty order should indicate the date from which it will take effect and the period for which the penalty should be operated. It should also indicate the time-scale for which the Government servant is reduced to the extent and the period which should operate to postpone future increments. On perusal of our order, we find that this aspect of the matter has been clearly discussed in para 3 and 4 of our order. The applicant in this Review Application appears to be seeking re-appreciation of the evidence which is not within the scope of review of a judicial decision and it tantamounts to rehearing of the case. We do not find any merit in this Review Application and the same is liable to be dismissed.



: 3 :

7. We, therefore, dismiss this Review Application.


(A.P. NAGRATH)

Adm. Member


(S.K. AGARWAL)

Judl. Member