

CENTRAL ADMINISTRATIVE TRIBUNAL : JAIPUR BENCH
AT JAIPUR.

No.P.A.26/2003
(O.A.252/2002)

DATE OF ORDER : 16.10.2003.

BETWEEN :

1. Union of India through
General Manager,
North Western Railway,
JAIPUR.
2. The Divisional Railway Manager,
North Western Railway,
Ajmer.

... Applicants

A N D

HANS RAJ SINGH S/o Shri Gang Bahadur Singh,
Aged about 42 years,
Tin & Copper Smith Gr.II,
C & W Depot, Ajmer.

R/o 909/21,
Gujar Teela Nagra,
Ajmer.

... Respondents

Counsel for the applicants : Mr.U.D.Sharma.

Counsel for the respondent : Mr.N.K.Gautam.
(original applicant)

C O R A M :

The Hon'ble Mr.S.K.Agrawal, Member (A).

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

O R D E R

(Per Hon'ble Mr.S.K.Agrawal, Member (A))

Disposed of by Circulation.

R.A.26/2003 has been filed by the respondents of O.A.252/2002
for review of the judgment dated 4.9.2003 passed in the O.A.

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2. The relief sought for in O.A.252/2002 by the original applicant is to accept his option for the post of Fitter Grade-II, provide him suitable job training and post him as Fitter, Grade-II and also for a direction upon the respondents to fix his seniority in Fitter, Grade-II, according to the date of declaring him surplus and as per rules.

3. The ld.counsel for the respondents in the O.A. had stated during the course of discussions on 4.9.2003 that the option of the applicant has already been accepted and the applicant has been posted as Fitter Grade-II w.e.f. September, 2002. The only point remaining for consideration, as per the ld.counsel for the respondents, is to give the applicant seniority, as has been given to respondent nos.3 to 6 and the same shall also be considered and given to the applicant, as per rules.

4. As per the above assurance given by the ld.counsel for the respondents during the course of the hearing of O.A.252/2002, it was held by us that the O.A. does not survive in any way, as the relief claimed by the applicant has been granted to him.

5. In R.A.26/2002 filed by the respondents, it has been stated that the correct factual position could not be placed before the Tribunal by the counsel for the respondents due to inadvertance and oversight, when the O.A. was heard on 4.9.2003. It is further stated in the R.A. that the appointment of the applicant as Fitter Grade-II, was dependent on his clearing successfully the job training of six months and thereafter, the trade test and

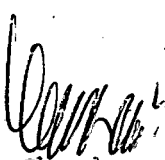
only thereafter, the applicant could have been appointed as Fitter Grade-II, with consequential benefit of seniority in the grade, as per rules. However, due to stating of wrong facts by the counsel for the respondents before the Tribunal, the applicant has got unintended benefit of appointment as Fitter Grade-II ^{which is against the rules,} on the basis of the judgment dated 4.9.2003 in O.A.252/2003. The applicants (department) have further stated ^{prescribed} in the affidavit that the job training of six months has since been completed by the applicant from January, 2003 to July, 2003, but the requirement of passing the prescribed trade test for the post of Fitter Grade-II is still to be fulfilled by the applicant before being appointed and posted as Fitter Grade-II.

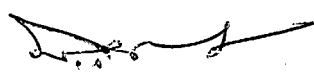
6. We have gone through the judgment dated 4.9.2003 in O.A.252/2003 and the records and details filed by the parties before us.

7. There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the former can be corrected by the higher courts, the latter can only be corrected by way of review. We, however, do not find any error apparent on the face of the judgment dated 4.9.2003, which requires to be corrected in pursuance to the review application. A review application has a very limited purpose and cannot be

allowed to be taken as an appeal. Rehearing the matter for detecting an error in the earlier decision and then correcting the same, do not fall within the ambit of review jurisdiction. Mistake or error apparent on the face of the record is one which is self evident and does not require a process of reasoning. Since the facts, as stated by the ld.counsel for the respondents in the O.A. have only been incorporated while disposing of O.A.252/2002 on 4.9.2003, we do not find any mistake apparent on the face of the judgment dated 4.9.2003 in O.A.252/2002, which can be corrected in pursuance to the filing of the R.A. by the respondents in the O.A.

8. In our view, therefore, the review application filed by the respondents in the O.A. is devoid of merits and the same is accordingly dismissed, by circulation.


(M.L.Chaudhan)
Member (J)


(S.K.Agrawal)
Member (A)

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