

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No.8 of 1999
(O.A.No.21 of 1998)

And

Review Application No.9 of 1999
(O.A.No.22 of 1998)

Date of decision: This the 2nd day of March 2000

The Hon'ble Mr G.L. Sanglyine, Administrative Member

The Hon'ble Mrs Lakshmi Swaminathan, Judicial Member

I. R.A.No.8/99

Shri K.R. Phaningthing,
Lower Division Clerk,
Office of the Director of Census Operation,
Ministry of Home Affairs,
Government of India,
Manipur, Imphal.

II. R.A.No.9/99

Smt T. Chandralekha Devi,
Lower Division Clerk,
Office of the Director of Census Operation,
Ministry of Home Affairs,
Government of India,
Manipur, Imphal.

...Review Applicants

By Advocates Mr B.K. Sharma and Mr S. Sarma.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
2. The Registrar General of India, 2/A Mansingh Road, New Delhi.
3. The Director of Census Operations, Manipur, Imphal, represented by the Deputy Director of Census Operations.

...Opposite party/
respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

B/

O R D E R

MRS L. SWAMINATHAN, MEMBER(J)

The learned counsel for the parties submit that both the facts and circumstances of both the review applications are same, and therefore, we propose to dispose of both the review applications by this common order.

2. The above Review Applications have been filed by the applicants in O.A.Nos.21/98 and 22/98 praying for review of the Tribunal's Orders dated 15.3.1999 in the aforesaid O.A.s.

3. We have heard Mr S. Sarma, learned counsel for the review applicants and Mr A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the opposite party/respondents and also perused the records.

4. The learned counsel for the review applicants has submitted that there is an error apparent on the face of the record which justifies review of the aforesaid order of the Tribunal. One of the grounds he has taken is that in an earlier case, i.e. O.A.No.60 of 1994 (Smt Ng. Makan -vs- Union of India and others) decided on 26.8.1998, a favourable order has been passed to the applicant ⁱⁿ of that case. However, the learned counsel has fairly admitted that this order of the Tribunal was not brought to the notice of the Tribunal during the hearing, before the order dated 15.3.1999 was passed. He, however, submits that judicial propriety would require in the circumstances to either submit the matter to a larger Bench or to review the order as there is an error apparent on the face of the record. After consideration of the Judgment and Order dated 15.3.1999 we are unable to agree with the learned counsel for the review applicants that there is an error apparent on the face of the record which

18

justifies review of the Order. The learned counsel for the opposite party/respondents has correctly pointed out that as the judgment of O.A.No.60/94 was not brought to the notice of the Court it cannot be said that there was an error. Apart from that it is also noticed that the order dated 15.3.1999 is a detailed order giving the reasons for the conclusions. It is also to be noted that the learned counsel for the respondents had submitted that though the examination was a one time measure, adequate opportunity should have been given to the applicant. Taking into account these facts and circumstances the aforesaid order was passed.

5. In the facts and circumstances of the case we do not find any error or ^{other vs} sufficient ground as provided under Order 47 Rule 1, CPC, read with Section 22 (3) (f) of the Administrative Tribunals Act, 1985 and Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, which justifies ^{vs} allowing the review applications. It is also a settled law that "a review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility....." (Chandra Kanta and another vs. Sheikh Habib, AIR 1975 SC 1500). It has also been held by the Apex Court ^{vs} that

/"a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error....." (Thungabhadra Industries Ltd -vs- The Government of Andhra Pradesh, AIR 1964 SC 1372).

6. Therefore, taking into account the facts and circumstances of the case and the detailed order that has been passed by the Tribunal on 15.3.1999 in O.A.Nos.21 and 22 of 1998 and the settled law mentioned above, the review

applications.....

: 3 :

applications fail and are accordingly dismissed.

7. *Let* a copy of this Order be placed in Review Application No.9/99.

Sd/MEBER (A)

Sd/ MEMBER (J)