

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,

JABALPUR.

R.A.No.25/2004 in OA.795/2002

Jabalpur, this the 19th Day of April, 2004.

1. Union of India through Secretary
Revenue, North Block, New Delhi.
2. Commissioner of Customs &
Central Excise, Raipur.
3. Commissioner of Customs &
Central Excise,
Indore (IM.P.) ...Applicants in RA

versus

P.K. Arrarwal, Inspector of
Central Excise,
Bilaspur Division,
Bilaspur.
Chandigarh State. ...Respondent in RA

O R D E R (in circulation)

By G. Shanthappa, Judicial Member-

This RA has been filed by the respondents in the OA to review the order passed by this Tribunal on 28.10.2003 in OA.795/2002 in as much as the Circular dated 6.10.2000 issued by the Department of Personnel & Training (Annexure RA-2) has not been brought to the notice of this Tribunal at the time of final hearing. Along with the above RA, MA.366/2004 is also filed, to condone the delay in filing the RA. It is relevant to mention here that the Order has been passed by this Tribunal on 28.10.2003 and the certified copy has been issued on 7.11.2003. Admittedly, the review application is

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filed after a lapse of 30 days from the date of receipt of a copy of this order. In the MA for condonation of delay, the reasons assigned by the review applicants are that there was a bonafide ^{delay} i.e. to take a decision after obtaining ^{op.} opinion of the advocate and take the approval from the competent authority. We feel that the reasons assigned in the MA for condonation of delay in filing the review application is proper. Accordingly we accept the said reasons and condone the delay in filing the RA. Consequently MA.366/2004 is allowed.


2. Regarding merits of the case, the applicant ^{ch} and respondents in the ~~DA~~ have argued the case ^{ch} on the basis of documents available on record. The respondents in the OA ie. the review applicants did not point out the OM No.22011/7/98-Estt.(D) dated 6.10.2000. Now they have produced the said documents as Annexure R-II. When the review applicants did not point out their case at the time of arguments, they cannot raise or substitute a new point at this belated stage by way filing additional documents in the RA. Further no clerical error or glaring mistake has been pointed out by the applicants in ^{our order.} ~~the RA.~~ It is settled legal

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position that the review proceedings are to be strictly confined to ambit and scope of Order 47 Rule 1 of CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered has a limited purpose and cannot be allowed to be an appeal in disguise (See-Parison Devi vs. Sumitri Devi and Others, JT 1997(8)SC 480)

3. In view of the foregoing, we do not find any merit in this RA and is accordingly rejected at the circulation stage itself.


(G. SHANTHAPPA)
MEMBER(J) 19/4


(M.P. SINGH)
VICE CHAIRMAN

19.4.2004

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पुनर्विचार आदेश
(1) पुनर्विचार आदेश
(2) पुनर्विचार आदेश
(3) पुनर्विचार आदेश
(4) पुनर्विचार आदेश
सदस्य एवं अध्यक्ष
K.M. Pethia
PK Tiwari
17/5/04

7/5/04
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