

not have retrospective effect i.e. same were made applicable from the date 10.02.1995 when for the first time catch up rule was introduced. Even otherwise vide O.M dated 21.01.2002, earlier O.M dated 30.01.1997 was withdrawn also. Since, the private respondents were already promoted prior to the issuance of the instruction, where catch up rule was made applicable w.e.f. 10.02.1995, therefore, their promotion cannot said to be contrary to the law and in their case principle of catch up rule cannot be applied. Our view also finds support from the judgment passed by the Hon'ble Jurisdictional High Court in case of Devinder Kaur (supra) where similar issue was considered by the Hon'ble High Court."

3. Now the R.A. has been filed by the applicant pleading that while withdrawing the relevant instructions w.e.f. 31.1.1997 vide OM dated 21.1.2002 it was made clear that general / OBC candidates who got benefit of catch-up principle would be protected. Thus, his case should be treated to have been settled and could not be re-opened. The other pleas are also in the nature of re-arguing the case pleading that the Tribunal should not have taken the view it has taken.

4. Order 47 Rule 1 CPC, 1908 provides that a decision or judgment is open to review only if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a long process of reasoning, can hardly be said to be an error apparent on the face of the record justifying a court of law to exercise its power of review. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be 'reheard and corrected'.

5. A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise'. In

Inderchand Jain vs. Motilal (2009) 14 SCC 663, the Hon'ble Apex Court has clearly held that an application for review would succeed only when the order suffers from an error apparent on the face of the record and permitting the same to continue would lead to failure of justice. It goes without saying that we have not been shown any factual inaccuracy by the learned counsel for the respondents, much less apparent on the face of the record, which may convince us to take a different view.

6. In view thereof, this Review Application is found to devoid of any merit and is dismissed accordingly.

(SANJEEV KAUSHIK)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.

Dated: 28th October, 2015

HC*