

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.212/2017
in
O.A.No.1995/2016

New Delhi, this the 19th day of September, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)

S.S.Hans,
Flat No.304, Shiv Shakti Apartment
Plot No.94, Sector-54
Gurgaon-122003 (Haryana) ... Applicant

Versus

India Tourism Development Corporation Ltd.
(Ministry of Tourism, Union of India)
Through it's General Manager-HR&Legal
Core-8, 4th Floor,
SCOPE Complex 7, Lodhi Road,
New Delhi – 110 003. Respondent

O R D E R (By Circulation)

The applicant, who was dismissed from service vide Order dated 15.12.2008, filed the OA No.1995/2016 along with MA No.286/2017 seeking condonation of delay of 362 days in filing of the OA. After hearing both sides on MA, the same was dismissed and consequently the OA also dismissed, by Order dated 11.08.2017. Seeking review of the said Order dated 11.08.2017, the instant RA is filed.

2. The law on review is well settled. The Hon'ble Supreme Court in **Kamlesh Verma v. Mayawati and Others** (2013) 8 SCC 320, after discussing various case laws on the jurisdiction and scope of review, summarised the principles of review as under:

"20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:-

- (i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;
- (ii) Mistake or error apparent on the face of the record;
- (iii) Any other sufficient reason.

The words "any other sufficient reason" has been interpreted in *Chhajju Ram v. Neki*, [AIR 1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasius & Ors.*, [(1955) 1 SCR 520], to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd. & Ors.*, [JT 2013 (8) SC 275].

20.2. When the review will not be maintainable:-

- (i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.
- (ii) Minor mistakes of inconsequential import.
- (iii) Review proceedings cannot be equated with the original hearing of the case.
- (iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.
- (v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.
- (vi) The mere possibility of two views on the subject cannot be a ground for review.
- (vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.
- (viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived."

Also see **Ajit Kumar Rath v. State of Orissa and Others**, (1999) 9 SCC 596; **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160 and **State of West Bengal and Others v. Kamal Sengupta and Another** – (2008) 8 SCC 612.

3. I have perused the RA filed by the applicant and its contents therein and find that the applicant has failed to show any error apparent on the face of the record or any other valid ground to invoke the review jurisdiction of this Tribunal. He only tried to reargue the OA, on merits, by filing the present RA, which is not permissible.

4. Accordingly, the RA is dismissed. No costs.

(V. Ajay Kumar)
Member (J)

/nsnrvak/