

Central Administrative Tribunal  
Principal Bench: New Delhi

**RA No.248/2017 in  
OA No.2427/2016**

New Delhi this the 19th day of December, 2017.

**Hon'ble Ms. Praveen Mahajan, Member (A)**

Sh. R.S. Verma, aged 67 years,  
Assistant (Retd.)  
S/o Shri J.R. Verma,  
H.No.RZ-64, B-Block,  
Maksudabad Colony, Najaf Garh,  
New Delhi – 110 043.

...Review Applicant

Versus

Director General,  
Sports Authority of India,  
Khel Bhawan, Near Scope Complex,  
Lodhi Road,  
New Delhi – 110 003.

...Respondents

**ORDER (By Circulation)**

This Review Application has been filed by the applicant seeking review of the Tribunal's order dated 31.10.2017 vide which OA-2427/2016 was dismissed being not maintainable on the ground of *res judicata*. The operative part of the order under review is reproduced hereunder:-

“10. Thus the attempt by the applicant to re-agitate the same issues which were considered by this Tribunal in OA No.1307/2014 (*supra*) and were not taken cognizance of expressly in the previous

judgment is hit by the principles of *res judicata*.

11. Without going into the merits of the case, in view of the discussions above, I am of the opinion that the OA is not maintainable and is, accordingly, dismissed. No costs."

2. The applicant has taken the ground that the order dated 19.04.2016 passed in OA-1307/2014, relied upon by the Tribunal while dismissing the OA, was passed on a concession made by the opposite party by granting liberty to approach the Tribunal for any surviving grievances and also imposed cost of Rs.5000/- for the delay in correcting the factual records. He, therefore, submits that the decision in OA-1307/2014 would not act as *res judicata* for his subsequent OA-2427/2016. He further submits that since the respondents have suo motu corrected his date of absorption from 31.03.1988 to 31.03.1987, the same gives fresh cause of action to claim all the reliefs which flow from such administrative/executive action of the respondent and, therefore, the OA, order whereof is under review, becomes maintainable at least with regard to prayer nos.8.4 to 8.9.

3. I have carefully gone through the pleadings of the case including the grounds taken by the applicant and also

the order under review. It is seen that the applicant is harping on the same issues which have already been dealt with by the Tribunal while dismissing the OA. The applicant has not been able to point out any error apparent on the face of the order under review. Hence, it cannot be said that the Tribunal had ignored any of the grounds. In case the applicant is not satisfied by the Tribunal's order, he is entitled to seek remedy before higher judicial Fora but he cannot be permitted to argue the case afresh under the garb of review application. It is well settled principle of law that a review application is not an appeal in disguise or a fresh hearing and for that the proper remedy is to file an appeal before the appropriate forum/superior court. The *sine qua non* for reviewing the order is existence of an error apparent on the face of the record. The applicant has failed to point out any such error.

4. In case of **West Bengal & Ors Vs. Kamalsengupta & Anr.** [2008(8) SCC 612], the Hon'ble Supreme Court after having considered the important decisions on the subject and defined the difference between the review and appeal, has held as follows:-

*“35. The principles which can be culled out from the above noted judgments are :*

(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC.

(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.

(iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.

(vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due

*diligence, the same could not be produced before the Court/Tribunal earlier."*

5. It is apparent from the above that the scope of the review lies in a very narrow compass. There is a difference between appeal and review. A review is not disguised appeal.

6. Having considered the submissions of the review applicant, and in view of above discussion, I find no merit in the instant Review application and the same stands dismissed in circulation. No costs.

(Praveen Mahajan)  
Member (A)

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