

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

RA 194/2004  
MA 1557/2004  
MA 1558/2004  
OA 2232/2003

New Delhi, this the 10<sup>th</sup> day of December, 2004

Hon'ble Mr. Shanker Raju, Member (J)  
Hon'ble Mr. S. K. Malhotra, Member (A)

Kanhaiya Lal Agarwal,  
S/o Late Shri Ram Prasad Agarwal,  
C/o Shri S.S. Agarwal, C-7/10, Model Town III,  
Delhi - 110 009.  
Retired as UDC, Asstt. Garrison Engineer, E/M II,  
Agra Cantt.

...Applicant.

(By Advocate Shri C.B. Pillai)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, E-in-C's Branch, Army Headquarters, Kashmere House, New Delhi - 110 011.
3. The Chief Engineer, HQ Central Command, Lucknow.
4. The Commander Works Engineer (AF) Maharajpur District, Gwalior.
5. The Garrison Engineer (AF), Kheria, Agra - 282 008.
6. The Garrison Engineer (AF) Maharajpur District, Gwalior.
7. Asstt. Accounts Officer (Army) Agra Cantt.

...Respondents.

(By Advocate Shri R.N. Singh, proxy for Shri R.V. Sinha)

**O R D E R (ORAL)**

Through this RA 194/2004, applicant seeks correction of date in the order of Allahabad Bench of this Tribunal from "2.8.1985" to "2.5.1988" and states that in the light of his prayer, the benefit of fixation would be accorded to him as prayed in the OA which has been allowed by the Tribunal, according to the applicant.


2. On the other hand this has been vehemently opposed by the learned counsel for the respondents complaining that apart from the factual typographical error, no other correction can be made. An error apparent on the face of the record which does not require any long process to determine it can be corrected. Moreover it is stated that whatever has been prayed, if not allowed is deemed to be rejected in the light of established law of Apex Court.

3. We have carefully considered the rival contentions of the parties. It is trite law that an error apparent on the face of record should be such which would strike the authority on mere looking and it does not require any long drawn process to ascertain it. The scope and ambit of the review is defined under Section 22(3)(f) of Administrative Tribunal's Act 1985. We find that there is an error in so far as the date of the order of the Tribunal of Allahabad Bench, which is 2.5.1988 as reflected in para 7 of the order, but while granting relief, it has been observed as 2.8.1985. Registry is directed to substitute this date from 2.8.1985 to 2.5.1988.


4. In so far as the other ground that the benefit may be accorded to the applicant as the OA was allowed, cannot be countenanced as we do not find that the OA was allowed. It was rather allowed with conspectus of whatever prayer has been made and if rest of the prayers are not allowed these are deemed to be rejected. Moreover this is not the scope of the review application. It is accordingly disposed of.

5. MA 1558/2004 is also accordingly disposed of.

6. Time to comply with the directions is extended till 15<sup>th</sup> February, 2005 and accordingly the MA 1557/2004 is also disposed of.

  
(S.K. Maihotra)  
Member (A)

/gkk/

  
(Shanker Raju)  
Member (J)