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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 378 OF 2003

In

O.A. No.1812/2003

New Delhi, this the 2nd day of January, 2004

HON'BLE SHRI . R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

1. Ashok,
S/o Shri Babu Lal,
R/O Jhuggi,
Near National Zoological Park,
Natural Road,
New Delhi.
2. Minter Pal Mittal,
S/o Shri Chandi,
R/O D-6, Zoo Quarters,
Mathura Road,
New Delhi.
3. Joginder,
S/o Shri Padhar,
R/O 28/3, Sector 1,
Pushpa Vihar,
New Delhi-110017
4. Lilu,
S/o Shri Phullu,
R/O Juggi, Kali Basti,
Near Pragati Maidan,
New Delhi.
5. Dharminder,
S/O Shri Sriram,
R/o 10-T Hats,
Minto Road,
New Delhi-110002
6. Ravinder,
S/o Shri Ranbeer Singh,
R/O D-16, Zoo Quarters,
Mathura Road,
New Delhi
7. Kasturi Lal,
S/O Shri Mangla Prasad,
R/O C-41/B-316,
Bhairon Road,
Pragati Maidan Gate No.1,
New Delhi-110003
8. Dharam Pal,
S/o Shri Tika Ram,
R/O D-29, Staff Quarters,
National Zoological Park, New Delhi

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9. Vinod,
S/o Shri Risal,
R/o D-17, Staff Quarters,
National Zoological Park,
New Delhi-11003

10. Sarju,
S/o Shri Banwari Lal,
R/o D-7, Staff Quarters,
National Zoological Park,
Mathura Road,
New Delhi-11003

...Applicants

Versus

1. Union of India,
through the Secretary,
Ministry of Environment and Forests,
Govt. of India,
Paryavaran Bhawan,
CGO Complex,
Lodhi Road,
New Delhi-110003

2. The Director,
National Zoological Park,
Mathura Road,
New Delhi

.....Respondents

ORDER (BY CIRCULATION)

This review application has been filed on behalf of the ten applicants who had filed Original Application No.1812/2003. That OA was disposed of with certain directions on 28.11.2003. The claim of the applicants is that certain errors on the face of record have crept in the order dated 28.11.2003 of this Tribunal. According to the applicants, certain arguments advanced by the learned counsel had neither been accepted nor rejected and, therefore, not considered at all. It has also been pointed out that there were certain arguments and observations of this Tribunal in Contempt Petition No.432/2001 and those observations had not been taken to its logical

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conclusion in favour of the applicants and against the respondents which is a grave error apparent on the face of record. It is also pointed out by the applicants that they should have been first accommodated with temporary status and thereafter they could have been regularised. The Tribunal has not passed the order in this respect and thus, an error has been committed. There are several other grounds regarding non-summoning of record and non-consideration of the affidavit of the applicants in respect to the advertisement.

2. The scope of review under section 22(3)(f) of the Administrative Tribunals Act, 1985 is limited to correction of mistakes which are apparent on the face of record. The so-called errors pointed out by the applicants are apparently not such errors which are required to be corrected in a review under section 22(3)(f) of the Administrative Tribunals Act, 1985. It is established principle of law that if a plea is raised and is not accepted, the same is to be taken as rejected even if not specifically mentioned so in the order. However, most of the arguments on behalf of the applicants have been incorporated.

3. Considering the facts of this case, the Tribunal had issued directions as contained in para 7 of its order dated 28.11.2003. The Hon'ble Supreme in the case of Subhash Vs. State of Maharashtra & Anr. (AIR 2002 SC 2537) has held that the power of review is to be exercised under section 22(3)(f) only if the

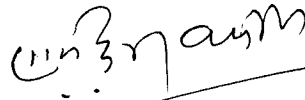
Can be argued

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error pointed out was plain and apparent. The review cannot be a substitute for arguing the OA again as if in an appeal. As observed earlier, the so-called errors are not such errors which require to be corrected by recourse to review. Therefore, this review application is rejected at the circulation stage without issue of any notice to the parties.

4. In view of the decision as aforesaid, the interim order, passed on 31.12.2003 on the Misc. Application No.2731/2003 in review application stands vacated.



(R.K. Upadhyaya)
Administrative Member

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