

(2019) 01 CAT CK 0026

In the Central Administrative Tribunal

Case No : Application for Condonation of Delay No. 330,02218 Of 2017, Civil Misc. Review Application No. 330, 00040 Of 2017, Original Application No. 330, 01011 Of 2017

Gyanendra Kumar

APPELLANT

Vs

Union of India And Ors

RESPONDENT

Date of Decision : 18-01-2019

Acts Referred:

Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 15, 17
Code of Civil Procedure, 1908 — Order 47 Rule 1

Citation : (2019) 01 CAT CK 0026

Hon'ble Judges : Rakesh Sagar Jain, J

Bench : Single Bench

Advocate : Phool Singh, Atul Kumar Sahi

Final Decision : Allowed

Judgement

Rakesh Sagar Jain, J

1. The instant Review Application has been filed by the applicant in O.A. Gyanendra Kumar (hereinafter referred to as applicant) against the order dated 24.08.2017 passed by this Tribunal in OA No. 1011/2017 titled Gyanendra Kumar v/s Union of India. The OA was disposed of by this Tribunal vide order dated 24.08.2017 with following direction: -

"In the case of Shailendra Kumar Singh (Supra), this Tribunal has categorically held that the disputes of S.T.B.S. cannot be brought before this Tribunal and the O.A. was dismissed as not maintainable."

2. The present Review application was filed on 11.10.2017. Since there is a delay in filing Review Application, the applicant has filed M.A. No. 330/02218/2017 along with affidavit for condonation of delay. The grounds for condonation of delay mentioned in the affidavit are that the delay occurred due to since the applicant has no source of income, he could not manage the expenses of his

counsel and fee of the petition and therefore he could not file the Review application in time.

3. It be noted that neither the applicant nor his counsel appeared on previous dates and therefore proceeding under Rule 15 of CAT (Procedure) Rules, 1987 was restored to. I have heard learned counsel for the respondents and perused the material on record. Admittedly, the present Review Application is filed beyond 30 days with a delay condonation application under rule 17 of the CAT (Procedure) Rules, 1987, which states as under:-

"17. Application for review - (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of a copy of the order sought to be reviewed."

Looking to the reason given by the applicant, in interest of justice, the delay in filing the review application is condoned.

4. Delay apart, I have perused the RA and also heard the arguments of the learned counsel for the respondents.

5. The scope of review lies in a narrow compass as prescribed under Order XLVII, Rule (1) of CPC. None of the grounds raised in the RA bring them within the scope and purview of review. It appears that the review applicant is trying to re-argue the matter afresh, as if in appeal, which is not permissible. If in the opinion of the review applicant the order passed by the Tribunal is erroneous, the remedy lies elsewhere. Under the garb of review, the review applicant cannot be allowed to raise the same grounds, which were considered and rejected by the Tribunal while passing the order under review.

6. Existence of an error apparent on the face of the record is sine qua non for reviewing the order. The review applicant has failed to bring out any error apparent on the face of the order under review.

7. It is a settled law that once an order has been passed by this Tribunal, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition, through different counsel, of old and over-ruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient, as held by the Hon'ble Supreme Court in *Sow Chandra Kanta And Another vs Sheik Habib*, [AIR 1975 SC 1500].

8. For the reasons discussed in the foregoing paras, I do not find any merit in the RA. Accordingly, the Review Application is dismissed. No order as to Costs.