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**{See rule 11(1)}**  
**ORDER SHEET**  
**ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW**  
**Court No.1 (e-Court)**

**R.A. No. 18 of 2021 along MA No. 218 of 2021 Inre O.A. No. 395 of 2020**

<b>Union of India &amp; Others</b>	Applicants-respondents
By Legal Practitioner for the Applicants	
<b>Versus</b>	
<b>Ex AG PO ELAR Syed Musheer Hussain</b>	Respondent-applicant
By Legal Practitioner for Respondent	

Notes of the Registry	Orders of the Tribunal
	<p><b><u>27.01.2022</u></b>  <b><u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u></b>  <b><u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></b></p> <p>1. Heard Shri Amit Jaiswal, Ld. Counsel for the respondents-applicants (Union of India &amp; Ors).</p> <p>2. The respondents-applicants (Union of India &amp; Ors) have filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. By means of this Review Application, the respondents-applicants (Union of India &amp; Ors) have prayed <i>“that this Hon'ble Court may very kindly be pleased to review the judgment and order dated 16.02.2021 passed by Hon'ble Justice U.C. Srivastava, Judicial Member and Hon'ble Vice Admiral A.R. Karve, Administrative Member in Original Application No. 395 of 2020, In Re. Syed Musheer Hussain Ex-AG PO Elar Vs. Union of India and others, restricting arrears of benefit of rounding off for a period of three years from the date of filing of Original Application in view of judgment dated 13.07.2018 passed by the Hon'ble Apex Court in Civil Appeal Dy. No. 21811 of 2018, <b>Union of India vs. Ex Sgt Girish Kumar &amp; Ors.</b>”</i></p> <p>3. We have gone through the grounds and reasons indicated in the review application and have also gone through the judgment and order sought to be reviewed. Claim of the applicant for grant of disability pension was allowed by the AFT (PB), New Delhi vide order dated 19.04.2012 with directions to the respondents to grant disability pension to the applicant @ 20% from the date of discharge from service. In compliance of the order, disability pension was granted to the applicant, however, benefit of rounding off was not granted to the applicant. When no benefit of rounding off was granted to the applicant for a long time, the applicant filed O.A. No. 395 of 2020 before this Tribunal which was allowed granting benefit of rounding off from the date of discharge from service.</p> <p>4. We are of the view that order granting disability pension includes benefit of rounding off and no separate order is required to be issued for this. Therefore, applicant is entitled to the benefit of rounding off from the date of discharge from service. The judgment and order sought to be reviewed was</p>

passed in proper prospective after considering all the facts and circumstances and also in view of the several pronouncement of the Hon'ble Apex Court. No illegality or irregularity or error apparent on the face of record has been shown to us so as to review the aforesaid judgment of this Court.

5. That apart, it is a settled proposition of law that the scope of the review is limited and until it is shown that there is error apparent on the face of record in the order sought to be reviewed, the same cannot be reviewed. For ready reference, Order 47, Rule 1 sub-rule (1) of the Code of Civil Procedure is reproduced below :-

*"1. Application for review of judgment.- (1) any person considering himself aggrieved-*

*(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*

*(b) by a decree or order from which no appeal is allowed, or*

*(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record , or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."*

6. Law is settled on the point that the scope of review is very limited. It is only when there is an error apparent on the face of record or any fresh fact/material brought to notice which was not available with the applicant inspite of his due diligence during hearing. Review is not an appeal in disguise. It is nowhere within the scope of review to recall any order passed earlier and to decide the case afresh.

7. In view of the principles of law laid down by the Hon'ble Supreme Court in various decisions, it is settled that the scope of review jurisdiction is very limited and re-hearing is not permissible. The Hon'ble Supreme Court in Para 9 of its judgment in the case of Parsion Devi and others vs. Sumitri Devi and others, reported in (1997) 8 SCC 715, has observed as under :-

*"9. Under Order 47, Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self- evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47, Rule 1 CPC. In exercise of the jurisdiction under Order 47, Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise."*

8. In the instant case, the details mentioned in the review application had already been taken into consideration and discussed in detail and thereafter, the order was passed. In view of the principle of law laid down by Hon'ble the

Apex Court in the case of Parsion Devi and Others (supra), we are of the considered view that there is no error apparent on the face of record in the impugned order dated 16.02.2021, passed in O.A. No. 395 of 2020, which may be corrected in exercise of review jurisdiction.

9. In view of aforesaid discussion, Interim Relief application (MA No. 218 of 2021) to stay the implementation of order dated 16.02.2021 is dismissed.

10. Resultantly, Review Application No. 18 of 2021 is hereby **dismissed**.

**(Vice Admiral Abhay Raghunath Karve)**  
Member (A)

**(Justice Umesh Chandra Srivastava)**  
Member (J)

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