

**ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW**

**R.A. No. 60 of 2023 Inre T. A. No. 596 of 2010**

**Tuesday, the 21<sup>st</sup> day of November, 2023**

**“Hon’ble Mr. Justice Ravindra Nath Kakkar, Member (J)  
Hon’ble Maj Gen Sanjay Singh, Member (A)”**

Udai Veer Singh (No. 4186494-K), S/o Shri Devi Singh, Village –  
Nagla Seva, Post- Baal Shah, District – Etah (U.P.)

.....Review Applicant

**Applicant Udai Veer Singh present in Person**

**Versus**

1. Union of India through Secretary Ministry of Defence, New Delhi - 110011.
2. The Chief of Army Staff, Army Headquarter, New Delhi – 110011.
3. Additional Directorate General, Discipline & Vigilance, DV-3, Adjutant General’s Branch, Army headquarters, New Delhi.

.....Respondents

Learned Counsel for the : **Dr. Shailendra Sharma Atal,**  
Respondents **Central Govt Counsel.**

**ORDER****“Per Hon’ble Mr. Justice Ravindra Nath Kakkar, Member (J)”**

1. The applicant has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 with the prayer to grant pensionary benefits from his date of discharge i.e. from 14.03.2005 or at least, three years before from date of filing of the Transferred application. By means of judgment and order dated 11.08.2023 passed in T.A. No 596 of 2010 finding of sentence dated 14.03.2005 passed by Court Martial was modified only to the extent that the order of dismissal shall stand converted into the order of discharge as a case of extreme. Due to law of limitation, the pensionary benefits were granted from the date of passing the present order.

2. Heard learned counsel of both the parties on Review Application and perused the documents available on record.

3. We have gone through the grounds and reasons indicated in the affidavit filed in support of the application and have also gone through the judgment and order sought to be reviewed. The offence committed by the applicant was of very serious nature hence, the punishment of dismissal from service awarded by SGCM cannot be said to be disproportionate. The judgment and order sought to be

reviewed was passed in proper prospective after considering both questions of law and all the facts and circumstances of the case. 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.

4. It is settled proposition of law that the scope of the review is limited and the petitioner has to show that there is error apparent on the face of the record. For ready reference the 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 by this Code, 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 of the Court which passed the decree or made the order.”*

5. 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. Hon'ble the 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 Supreme Court Cases 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 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."*

6. 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 11.08.2023 passed in T.A. No 596 of 2010, which may be corrected in exercise of review jurisdiction.

7. Accordingly, the Review Application No. 60 of 2023 is rejected. There shall be no order as to costs. The applicant may be informed accordingly.

**(Maj Gen Sanjay Singh)**  
**Member (A)**

**(Justice Ravindra Nath Kakkar)**  
**Member (J)**

Dated : 21 November, 2023  
Rkm/-