

Chambers
(By circulation)

Review Application No. 93 of 2016

In re :

O.A. No. : 84 of 2014

Lt Col Rohit Mishra ----Vs. Union of India & Others

Hon'ble Mr Justice D.P.Singh, Judicial Member

Hon'ble Air Marshal Anil Chopra, Administrative Member

Order

1. This is an application for review of the order dated 12 July 2016 passed in O.A. No. 84 of 2014 placed by the registry in chamber under the provisions contained in AFT Act and Rules framed thereunder.
2. Being aggrieved with the observations made by the Reviewing Officer in the pen picture vis a vis the ACR recorded by the Initiating officer for the period between 1st of June 2003 to 31st of May 2004, the applicant preferred O.A. No. 84 of 2014 which has been dismissed by the order dated 12 of July 2016.
3. It was argued before the Tribunal that Initiating Officer has gone beyond the purview of Rules regarding Annual Confidential Report as provided by the Army Order 45 of 2001. It has been pleaded that the Tribunal has failed to notice that the applicant's case was not considered. The applicant has raised the controversy with regard to promotion and posting, The Tribunal has not considered the entire material placed on record during the course of hearing.

4. We have gone through the record and pleadings in the review petition. We can not find any infirmity which may in fact specifically which have not been considered while deciding the O.A. in question. The O.A. was allowed with all consequential benefits. It is for the respondents to provide consequential benefits since the offending observations made in the pen picture of the ACR by the Review Officer have been deleted. There appears no error apparent at the face of record. No further order requires by the Tribunal.

5. It is settled law that an erroneous decision by itself does not warrant a review of each decision. – Direction for CBI enquiry against family members of Akhilesh Yadav and Mulayam Yadav – Scope and ambit of review – Earlier orders passed after full consideration – Orders not without jurisdiction – No error apparent on face of record. Held that review cannot be allowed. Ed. The Court suo-motu corrected the order by directing deletion of portion by which CBI was to submit report to Union of India and liberty given to UOI for taking steps. **Akhilesh Yadav Vs. Vishwanath Chaturvedi and others** JT 2012 (12) SC 565.

6. On the basis of pleadings we allow the application for condonation of delay, condoned the delay and reject the review application being devoid of merits.

7. There shall be no orders as to costs.

(Air Marshal Anil Chopra)
Member (A)

(Justice D.P. Singh)
Member (J)

Date : October 3rd , 2016

PKG/

