

**By Circulation
Court No. 1**

ARMED FORCES TRIBUNAL REGIONAL BENCH,

LUCKNOW

Review Application No. 03 of 2018

In Re: O.A. No. 438 of 2017

Wednesday, the 17th day of January, 2018

**"Hon'ble Mr. Justice D.P. Singh, Member (J)
Hon'ble Air Marshal BBP Sinha, Member (A)"**

No. 14293617A, Ex Hav/ Hony Nb Sub, Prakash Swarup

..... Applicant

Versus

1. The Union of India, through the Secretary, Ministry of Defence (Army), New Delhi – 110011.
2. The Chief of the Army Staff, IHQ of MoD (Army), South Block, New Delhi – 110011.
3. The Officer-in- Charge, OIC Signal Records, Post Bag No. – 5, Jabalpur (M.P) – 482001.
4. PCDA (P), Draupadi Ghat, Allahabad.

.....Respondents

ORDER

1. The applicant has filed this Review Application under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. The matter came up before us by way of Circulation as per provisions of Rule 18 (2) of the Armed Forces Tribunal (Procedure) 2008.

2. By means of this application, the applicant has prayed to review the judgment and order dated 06.12.2017 passed in O.A. No. 438 of 2017 by this Court and pass a fresh and final order.

3. It is settled proposition of law that the scope of the review is limited and until it is shown that there is an error apparent of the face of record in the judgment and order sought to be reviewed, the same cannot be reviewed.

4. The prayer made in the review petition is quoted below.

"It is, therefore most respectfully prayed that this Hon'ble Tribunal may review its judgment and order dated 06.12.2017 and grant broad banking off disability pension @50% for life with effect from date of discharge i.e. 01.10.1996 to the applicant in light of order dated 01.12.2017 in O.A.No 1439 of 2016 Ex Sgt Girish Kumar & others v Union of India and others passed by Hon'ble Armed Forces Tribunal, Principal Bench new Delhi instead of three

years from the date of filing of the present petition (O.A No 438 of 2017 filed by applicant) i.e with effect from 23.03.2014 as mentioned in order dated 06.12.2017 passed by Hon'ble AFT (RB) Lucknow."

5. The order of the Tribunal was rendered on 06.12.2017 while the judgment and order of the Principal Bench referred to for application is dated 01.12.2017. The decision aforesaid was not referred to at the time of hearing of this O.A.

6. Thus in the facts and circumstances of the case, we are of the view that the matter be listed for rehearing on the issue in the light of the decision of the Principal Bench.

7. In view of the above, the case is directed to be listed for rehearing on the issue as raised in the review petition in the 1st week of Feb 4018 before the appropriate Bench having jurisdiction.

(Air Marshal BBP Sinha)
Member (A)

Dated :17 January 2018
BLY/-

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