

**By Circulation**  
**(Court No. 2)**

**ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW**

**Review Application No. 18 of 2024 with M.A. No. 414 of 2024**

**In Re: O.A. No. 857 of 2023**

Friday, the 22<sup>nd</sup> day of March, 2024

**“Hon’ble Mr. Justice Anil Kumar, Member (J)**  
**Hon’ble Maj Gen Sanjay Singh, Member (A)”**

No. 16017855F Nk/TS Sandeep Bahadur Singh S/o Sri Bhagwat Singh,  
permanent resident of 323, Lila Pura, Samhal, Mansurabad, Allahabad, Uttar  
Pradesh-228411.

..... Applicant

Versus

1. The Union of India, through Secretary, Ministry of Defence (Army),  
South Block, New Delhi-110010.
2. Chief of the Army Staff, IHQ of MoD (Army), South Block, New Delhi.
3. Officer-in-Charge Records, Rajputana Rifles Regimental Centre, Delhi  
Cantt.
4. PCDA (Pension), Draupadi Ghat, Allahabad.

.....Respondents

## ORDER

1. This application has been filed with delay of 02 months and 04 days for review of order dated 15.12.2023 under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008. Relevant portion of aforementioned Rule is reproduced as under:

*“18. Application for review. – (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.*

(2) -----“

2. By means of this application, learned counsel for the applicant has prayed that this Hon'ble Tribunal may kindly be pleased to allow this Review Application by modifying the judgment and order dated 15.12.2023 passed by this Tribunal in Original Application No. 857 of 2023, ***Nk/TS Saneep Bahadur Singh Vs. Union of India & Others.***

3. There is delay of 02 months and 04 days in filing this review application. Applicant has moved application for condoning the delay in filing the review application.

4. Original Application No. 857 of 2023 claiming MACP-II was dismissed vide order dated 15.12.2023 on the ground that the applicant had submitted three unwillingness certificates on 03.06.2018, 15.09.2018 and 18.07.2019 which debarred him for grant of MACP-II in terms of policy letter dated 13.06.2011 and 11.07.2018.

5. It is settled proposition of law that the scope of the review is limited and the applicant 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.”

6. 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 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."*

7. 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*** (supra), we are of the considered view

that there is no error apparent on the face of record in the impugned order dated 15.12.2023, which may be corrected in exercise of review jurisdiction.

8. Accordingly, Review Application is **rejected**.

9. No order as to costs.

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

Dated : 22.03.2024

*rathore*

**(Justice Anil Kumar)**  
**Member (J)**