

Review Application No. 58 of 2018**In re:****O.A. No. 403 of 2017**

Col Harish Khangarot vs. Union of India & ors.

Hon'ble Justice SVS Rathore, Member (J)
Hon'ble Air Marshal BBP Singh, Member (A).

1. This is an application under Section 14 (f) of the Armed Forces Tribunal Act, 2007 read with Rule 18 of the Armed Forces Tribunal (Procedure) Rules 2008 for review of verdict of the Armed Forces Tribunal, Regional Bench, Lucknow vide judgment and order dated 24.08.2018 passed in O. A. No 403 of 2017. The matter initially came up before us by way of Circulation as per provision of Rule 18 (3) of the Armed Forces Tribunal (Procedure) Rules 2008. However, by order dated 01.10.2018, the Review Application was directed to be listed in Court on 17.10.2018.

2. While approaching the Tribunal under jurisdiction of review, the applicant has pleaded that at several places (as mentioned in succeeding portion of this order), there are typographical errors. It is further pleaded and argued that para '9 (a)' is redundant and against the pleadings on record, as such, the same deserves deletion. It is also pleaded and argued that in the operative portion of the judgment and order, in the ninth line of para 25 the words 'immediate juniors' need be deleted inasmuch as it was never argued that the applicant be considered for promotion along with his immediate juniors.

3. It is argued that under Order 47 Rule 1 CPC, the Tribunal has inherent power to rectify and revise its orders as and when it is brought to its notice that certain factual mistakes have crept in the judgment and that implementation of those orders would have serious consequences. There is a clear distinction between an ‘erroneous decision’ and ‘an error apparent on the face of the record’ and the latter only can be corrected by exercise of Review jurisdiction. It is lastly argued that the mistakes by and large are typographical mistakes and would have no bearing on the result of the O.P.

4. We have given our anxious consideration to the grounds urged in the Review Application. We have also perused the records as well as the Judgment and order at issue and find that certain typographical errors as mentioned hereunder require to be rectified:

- (i) In page 6, para 5 in ninth line, the date 03.09.2008 is incorrectly mentioned and is rectified as **“30.09.2008”**
- (ii) In page 8, para 8, in thirteenth line the date 26 May 2009 is incorrectly mentioned and is rectified as **“21 May 2009”**
- (iii) In page 9, para 9, sub-para (a) requires to be deleted and is accordingly deleted and subsequent sub-paras are renumbered as (a) to (f).
- (iv) In page 9 para 9 renumbered sub para (a), in first line, ‘RO’ has wrongly been mentioned and is corrected as **“IO”**.
- (v) Likewise, in page 10, para 9, renumbered sub para (d), in fifth line, ninth line eleventh line and twelfth, the words ‘RO’ have been wrongly mentioned and are corrected as **“IO”**.
- (vi) Similarly in page 10 para 9, renumbered sub-para (d) in tenth line, the word ‘SRO’ has wrongly been mentioned and is corrected as **“RO”**
- (vii) In page 10 para 9, renumbered sub para (e) fifth line, the word ‘RO’ has wrongly been mentioned and is corrected as **“IO”**.
- (viii) In page 11, para 9 renumbered sub para (f) in the first line the word ‘RO’ has wrongly been mentioned and is corrected as **“IO”**.
- (ix) In page 12, para 11 fifth line, the date 21 Sep 2009 has wrongly been mentioned and is corrected as 21 May 2009.
- (x) In page 14, para 14, third line, the date 10 May 2001 is wrongly mentioned and is corrected as 21 May 2009.

5. In relief clause (b) of the Review Application, it is prayed that the words 'immediate junior' need deletion since all the ACRs which have been set aside in the judgment and order dated 24.08.2018 affect all the Selection Boards for applicant's promotion to the rank of Brigadier. We have given our anxious consideration also to this submission of learned counsel for the applicant and are of the opinion that the applicant is to be considered for promotion to rank of Brigadier along with his batch mates, therefore, the mention of words 'immediate junior' is a factual error apparent on the face of the record. Thus, in page 21 para 25, eleventh line, the words **"immediate junior"** are deleted.

6. The review application is accordingly allowed and the above mentioned factual errors shall stand omitted from the order dated 24.08.2018

7. Original order is correctly accordingly.

8. The order shall be complied within the time granted for compliance in judgment and order dated 24.08.2018.

(Air Marshal BBP Sinha)
Member (A)

(Justice SVS Rathore)
Member (J)

17.10.2018
anb