

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

45.

RA 30/2024 WITH MA 2649/2024 IN OA 429/2019

Ex Sgt Neeraj Kumar Applicant
Versus Respondents
Union of India & Ors.

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. Harish V Shankar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
25.07.2024

RA 30/2024 WITH MA 2649/2024

This is an application filed under Rule 18 of the Armed Forces Tribunal Act, 2008 seeking review/recall of an order dated 16.05.2024 passed in OA 429/2019.

2. Upon consideration, it is noted that the applicant's claim was primarily rejected on the grounds of being overweight, thereby precluding the grant of disability benefits. The applicant now seeks reassessment based on new factual material produced.

3. In our considered view, the grounds sought for review/recall do not fall within the parameters prescribed for the review of an order on principles analogous to Order 47 Rule 1 of the Code of Civil Procedure, 1908. The Hon'ble Supreme Court, in the case of Sasi through Legal

SCC 692, has clearly delineated the parameters under which a review is permissible. The Hon'ble Supreme Court has held that keeping in view the limited scope available for the review of an order, a review cannot be permitted as it is not an appeal in disguise where erroneous decisions can be re-heard and corrected. A review is permissible only for the correction of an error apparent on the face of the record. Mere erroneous decisions cannot be a ground for the review/recall of an order.

4. In light of the aforementioned principles, we do not find any case made out for review/recall, as there is no error apparent on the face of the record and there being a delay, MA 2649/2024 has also been filed seeking condonation of the same, for which there is no satisfactory explanation.

5. In view of the aforesaid, the RA stands dismissed both on the ground of merit and delay.

6. MA 2649/2024 and RA 30/2024 stand disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL ~~DHIREN~~ VIG]
MEMBER (A)