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

RA 53/2024 IN OA 1631/2020

Col Tega Singh ..... Applicant
Versus
Union of India & Ors. ..... Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN. C. P. MOHANTY, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14(f) of the Armed Forces Tribunal Act 2007 read with Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 the applicant seeks review of an order passed by this Tribunal on 26.04.2024 in OA No. 1631/2022. In the OA, the applicant had sought quashing of his confidential records for the period 01.01.2008 to 31.12.2008 and 01.01.2009 to 22.10.2009 on the ground that both the CRs were technically invalid and were initiated on a false appointment which was never tenanted by the applicant and that they were made in violation of the appropriate Army Orders.

2. At the relevant time when the applicant invoked the jurisdiction of this Tribunal in the year 2020 he was serving as a

Colonel and belonged to the Corps of Signals. He was commissioned into the Army in the Corps of Signals on 13.06.1998. In December 2007, he was posted to Mountain Division Signal Regiment (MDSR) at Bareilly as a part of the Spouse Coordinated Posting Scheme. It is the grievance of the applicant that as he did not meet the requirement of the Spouse Coordinated Posting Scheme he was side-stepped to the (Uttar Bharat Area Signal Regiment) on the very next day after reporting to the MDSR. In the OA it was the case of the applicant that during the periods in question he held the appointment as 'OC Headquarter Coy and OC 1 Coy' at UBASR during the period 30.12.2007 to 16.03.2008. Thereafter he proceeded to attend the JC Course and on return from the course he was appointed as OC 1 Coy from 09.06.2008 to 16.11.2008. However for this period he was shown as Adjutant in the Officers' Strength Return (IAFF-3008) even though the post of permanent Adjutant was already occupied by another officer. It is the grievance of the applicant that when he was shown to be tenanting the post of Adjutant he requested the Commanding Officer to reflect his correct appointment in the Officers' Strength Return IAFF-3008 but this was not done. The applicant attended the DSSC Preparatory Course from 12.01.2009 to 07.03.2009 and it was his contention that though he had handed over the CR for the period 01.01.2008 to 31.12.2008 to

the Commanding Officer on 04.01.2009 the Commanding Officer initiated the CR only on 09.02.2009 in the applicant's absence and the extract of the CR was communicated to him without any justification in Para 13 of the CR. The applicant made various grievances in the application, but his primary concern was that even though he was tenanting the appointment of OC 1 Coy during the period 09.06.2008 to 16.11.2008 his appointment shown in the CR as Adjutant was unsustainable in law and in violation of Army Order 45/2001/MS. After the application was dismissed by this Tribunal on merits the applicant invoked the jurisdiction of the Hon'ble High Court by filing WP (C) No. 11886/2004 and a learned Division Bench of the High Court on 29.08.2024 allowed the writ petition. It was found that this Tribunal had heard the matter, reserved judgment for 16 months, and it was submitted by learned counsel for the applicant before the High Court that in doing so the Tribunal failed to appreciate the main grounds raised by the applicant in Ground Nos. D and E of his OA. Since the said grounds had not been properly considered the Hon'ble High Court disposed of the writ petition granting liberty to the applicant to approach this Tribunal by way of a Review Application. Accordingly, this RA has been filed. In the RA after narrating various facts the grounds for review or the error apparent on the face of the record have been highlighted by

contending that the CRs were technically invalid as the applicant was falsely reflected as holding the appointment of Adjutant whereas it is a well-established and documented fact that for both the CRs for the period 01.01.2008 to 31.12.2008 and again from 01.01.2009 to 22.10.2009 the applicant held the appointment of OC 1 Coy. It is the case of the applicant that in accordance with Para 17 of AO 45/2001 the period covered by the report and the appointment tenanted was unsustainable and the applicant had primarily challenged the CR as technically invalid and false on the ground of mentioning a false appointment. Inter alia it was contended that these facts somehow escaped the attention of this Tribunal and as this issue has been incorrectly decided contrary to the provisions of the AO and the facts it is argued that there is an error apparent on the face of the record.

3. Referring to Paragraphs 22 and 23 of the order under review it was argued by learned counsel that AO 45/2001 (MS) lays down the policy on rendition of CRs of officers and Para 93 indicates that it is the ratee's responsibility to ensure correctness of the details filed in Part 1 of the CR. It was contended by learned counsel that based on the provisions of Para 93 it was indicated that the applicant is bound by the appointment tenanted as written in the CR for the period in question and the applicant having certified it by giving a certificate

as required under Para 93 of the AO is bound by it. Therefore the Tribunal refused to interfere with the matter. The learned counsel produced before us the CR form and referred to Para 4(a) and 5 at page 4 of the said form to submit that merely on the basis of the endorsement made by the applicant rejection of his claim and approval of the CR for the period in question while indicating that the applicant had tenanted the post of Adjutant violates the mandatory provisions rendering the complete CR of 2009 technically invalid. It is stated that by ignoring the mandatory provisions of Para 16(c) of AO 45/2001 (MS) the order passed by this Tribunal is unsustainable in law.

4. Two grounds were canvassed before us, first that the CR was initiated on a false appointment and second that the CR was technically invalid as it was initiated after delay. Further by misinterpreting Paragraphs 93 and 94 of the Army Order the responsibility for fixing the blame on the ratee was improper. It is further pointed out that the MS Branch also did not scrutinize the issue properly. Reliance is placed on two judgments of this Tribunal in the cases of ***Col Pawan Singh Samyal v. Union of India and others*** (OA 1307/2013 decided on 08.08.2014) *and* ***Lt Col Basant Rathee v. Union of India and others*** (OA No 519/2013 decided on 13.01.2015) to say that there is an error apparent on the face of the

record. The learned counsel for the applicant took us through the orders in question and argued that on the grounds of delay in initiating the CR and indicating a wrong appointment of the applicant the entire action of the respondent stands vitiated.

5. The respondents have filed a detailed counter affidavit and argue that the contentions of the applicant are not correct. When the matter was argued before the High Court the applicant had pointed out that the reasons stated by him in Ground D and E had not been properly considered. Grounds D and E of the OA read as under:

> *"D. Because the impugned CR for the period Jan 2009 to Oct 2009 lacks objectivity assessment in terms of Para 5 Part-1 of AO 45/2001/MS, and elaborated in Para 118 Part VI wherein it clearly says that assessment in a CR will be particularly restricted to performance observed during the period covered in the report. However, the impugned CR lacks objectivity in assessment as the applicant's demonstrated performance in the appointment of OC 1 Coy has been assessed as Adjutant in the impugned CRs. Appointments tenanted have a direct effect on demonstrated performance which enables reporting officer to render more objective assessment. Further, the applicant prepared, appeared and got nominated for prestigious staff course (Primarily Tactics oriented course and is Non-Technical in nature) however his performance and potential has been assessed as preparing for M Tech (highest Technical Oriented Course), both being separate stream cannot be assessed on the basis of same parameter.*
>
> *E. Because the Impugned CR covering the period 01.01.2009 to 22.10.2009 is a false assessment as the same has been written in a different appointment than actually held by the Applicant during the relevant period."*

But while arguing the matter and presenting the case before this Tribunal in this Review application a different arguments were submitted. The learned counsel took us through the judgments relied upon by the learned counsel for the applicant and argued that all aspects have been considered by this Tribunal in the order passed, and that there is no error apparent on the face of the record. Placing reliance on the judgment rendered by the Hon'ble Supreme Court in the case of ***Sasi (dead) Through Legal Representatives v. Aravindakshan Nair and others*** (2017) 4 SCC 692 the learned counsel sought dismissal of the RA primarily on the ground that there is no error apparent on the face of the record warranting review, recall or reconsideration.

6. We have heard learned counsel for the parties and perused the record.

7. Primarily the ground for review is based on the error in the CR for the periods in question, by indication of a wrong appointment tenanted by the applicant in IAFF 3008. It is the case of the applicant that he had only tenanted the appointment of OC 1 Coy/OC Comn during this period whereas it is mentioned in the CR that he had tenanted the appointment of "Adjutant". The learned counsel challenged the finding recorded by this Tribunal in this regard. It is contended that merely because the applicant certified this

appointment to be correct the CR does not become valid and the indication of a wrong appointment vitiates the CR. The issue has been dealt with in the judgment in Paragraphs 21 and 22, placing reliance on Para 93 of Army Order 45/2001 (MS), this Tribunal held that the applicant had accepted this to be correct by certifying it in the CR. By holding so, argument of the applicant was rejected. Thereafter with regard to the second ground for review, it is said that the CRs were initiated late and the same was not communicated to the applicant, this issue has also been incorrectly decided by this Tribunal.

8. As far as certification of the appointment tenanted by the applicant for the period 01.01.2008 to 31.12.2008 and 01.01.2009 to 31.10.2009 is concerned the applicant is shown to be holding the post of Adjutant during this period. The issue is whether mere certification of the same by the applicant in the CR form will have the effect of acceptance by the applicant when read in consonance with Para 93 of AO 45/2001 (MS). Even though in the case of *Pawan Singh Sanyal* (supra) this Tribunal had considered the issue in Paragraphs 29 and 30, the final authentication is approved in Para 31. Paragraphs 29 to 31 are reproduced below:

> *29. It is a fact that the officer himself submitted the form to the Deputy Commander as his IO and to that extent is responsible and cannot be absolved of his*

mistake. However, the organizational failure at the level of the RO, SRO and MS Branch to detect the incorrect channel cannot be overlooked. The responsibility for initiation of the report and its subsequent processing through incorrect channel cannot solely be laid at the doorstep of the petitioner. Para 99 and Appendix o of the AO clearly state the responsibility of RO and SRO to check for 'Channels of Reporting and IO for correctness of personal/validation data. This is not to condone the mistake of the petitioner in submitting his CR to the Deputy Commander but only to bring to notice, the larger organizational responsibility of checking the Channel of Reporting. The officer signs the CR form at Para 7 and certifies the correctness of details at Paras 1 to 5. The respondents have wrongly stated that the officer signs at Para 8. They have perhaps stated this, as Para 8 reflects the 'Details of the Reporting Officers' and hence the channel of reporting. While it is correct that Para 8 is filled in by the ratee prior to submitting his CR, he is nowhere in the CR form certifying its correctness. In this instant case, the petitioner has signed at Para 7 of the CR and the claim of the respondents about certification of the correctness of details in Part 1 of the CR by the office at Para 8 is incorrect.

30. Internal Notings of MS Branch show that advice of MS(Legal) on the technical invalidity of the report was over ruled. This is perfectly within the charter of the MS Branch but what is of concern are the grounds on which this decision was taken. This was done on the plea under Para 94 of AO/45/2001/MS, that 'responsibility to ensure correctness of Part 7 details (of CR) is that of the ratee and no complaint is tenable vide Ch. VII OF AO' (Note 21 refers). In Noting 24, Para 93 has been quoted to shift the onus of correctness of Part 1 of CR to the personal responsibility of the ratee i.e., direct responsibility vis-a-vis implied responsibility of IO and RO. Para 93 and 94 are reproduced below.

> *93. The officer reported upon will be personally responsible for the correct completion of the portion pertaining to personal data, in accordance with records maintained in the unit,*

in Part 1 of the CR form. He will hand over the completed form to the IO as under:-

(a) Before the due date for initiation of an ACR; or

(b) Before he vacates the appointment, for initiation of an ICR under Paragraph 84, or an Early ACR under Paragraph 72 above, as the case may be; or

(c) When called upon to do so.

94. The officer reported upon will authenticate the details given in Part 1 of the CR form at the space provided for this purpose. The details contained in Part 1 will need communication to the ratee when these have either been complied by the IO or have been amended by the IO, after the ratee has submitted the CR form. The details with reference to physical service under IO/FTO (or RO when he is initiating report under provisions of the AO) authenticated by the ratee and concerned reporting officer are irrevocable, and no complaint/representation vide Chapter VII of this AO, will be permissible for this aspect.

31 While Para 93 is explicit that the ratee will check only for personal data in Pt 1 in accordance with the records maintained in the unit, Para 94 shifts the onus for authentication of complete details in Pt 1 at the space provided, which is at Para 7. In practice, officers' by and large go by what is printed on the CR form, which is authentication of Paras 1 to 5. Under these circumstances and in view of the conflict between Paras 93 & 94 the ratee is not responsible for authenticating details of reporting channel at Para 8 of CR form. Higher HQ are more informed, competent and posted with the requisite staff to check whether the correct channel has been followed."

Therefore to some extent, the learned counsel for the applicant may be right in saying that mere authentication of the CR by the applicant is not enough and the ratee is not responsible for authenticating the details of the Reporting Officer. Similar findings are recorded in the case of *Lt Col Basant Rathee* (supra), wherein in Paragraphs 6 and 7, this Tribunal has decided the issue in the aforesaid manner:

> *"6. But para 94 cannot be pressed in to service to validate an ACR initiated or endorsed in violation of the mandatory requirements laid down in para 16 of the AO. It reads as follows:*
> *Criteria for initiation of CRs*
>
> *16. CRs will be initiated and endorsed in accordance with the provision of this AO. The following mandatory provisions will be applicable without which the CR will be technically invalid:-*
>
> *(a) The completion of 90 days physical service between the ratee and officer initiating the report. The same can however be waived in exceptional circumstances, in organisational interest, for initiation of Adverse CR as specified at Paragraph 111 (e).*
>
> *(b) Report is initiated and reviewed as per the laid down channel of reporting*
>
> *(c) Officer is posted to the appointment for which the report is being initiated and the same matches with the Directory of Appointments*

and IAFF – 3008. (Emphasis supplied)

> *7. Obviously, consent or connivance of the ratee cannot confer competence to initiate ACR if it does not exist in the AO. In other words, a ratee cannot be permitted to choose his reporting officer. Further, there can be no estoppel against the statute. Thus, it is the duty of the officer concerned of the MS Branch to ensure that the reporting is done in terms of para 16. Accordingly, the technical validity of the impugned ACR ought to have been examined in view of fact that chain of reporting was different from those in the previous two ACRs relating to the same assignment, which had already been accepted as technically valid.*

9. On evaluation of the entire facts and circumstances of the case, in our considered view, the question to be decided in this RA is whether, based on these two judgments, the order in question can be reviewed. For deciding that we are required to assess the facts of both the cases relied upon by the learned counsel. In the case of *Col Pawan Singh Samyal* (supra) the CRs of the applicant therein for the period 01/2005 to 01/2006 were under challenge and it was the case of the applicant therein that the report was initiated by the Deputy Commander of the Brigade and the Reviewing Officer was the Brigade Commander. It was the case of the applicant before this Tribunal that rendition of the CR by the Deputy Commander was against the relevant provisions and in contravention of the Army

Orders. As the CR was rendered by an incompetent officer, it was argued before this Tribunal that the CR was technically invalid since initiation of the CR by the Deputy Commander as the Initiating Officer was against the norms and channels of reporting. Even though the applicant had attested in his certificate with regard to correctness of the entries made it was found that the Deputy Commander was not eligible to initiate the CR and in Para 29 onwards it was held that the CR was technically invalid as it was initiated by an officer who was not authorized under law to do so, accordingly it was held that merely because the applicant had endorsed the certificate the technical invalidity of the CR could not be upheld or justified.

10. Similarly in the case of *Basant Rathee* (supra), the CR of the applicant therein for the period 12/2005 to 06/2005 was in dispute. Therein also it was the contention of the applicant that the CR was initiated by Brig V.K. Pandey the then Dean, Faculty of Industrial Engineering and Tactics and as the applicant had performed duties as Assistant Mess Secretary in addition to his responsibility as Instructor (B) initiation of the CR by the Dean, FIET was not correct. It was indicated in Para 4 that initiation of the CR was not in accordance with the reporting channel and that the reporting channel had in fact been changed for the ACR in question.

It has been held by this Tribunal that mere concurrence by the ratee cannot confer competence to a officer initiate an ACR. If the officer who had initiated the ACR is not competent or empowered under the AO it is under these factual backgrounds that the ACRs were held to be technically invalid in spite of castification by the ratee and the interpretation to Rule 93 was in the back drop of these peculiar facts.

11. Invalidation of the CRs in both these cases by the Tribunal was on the ground that they were technically invalid, having been initiated or reported by officers not authorized to do so. However, in this case, the facts are entirely different. The facts pertain to the posting tenanted by the applicant. According to the applicant, for this period he was shown as having tenanted the appointment of Adjutant, whereas according to him this was not correct. He had tenanted the post of OC 1 Coy for this period and, therefore, the indication made regarding his appointment is incorrect. The place where an applicant is personally posted and the post tenanted by him is well within the personal knowledge of the person concerned, i.e., the applicant herein. The applicant knew what was the posting tenanted by him and whether it is correctly reflected in the records certified by him or not. This is within the personal knowledge of the ratee/ the applicant who certified the entry, and therefore, this fact

distinguishes the case relied upon by the learned counsel for the applicant in this regard. More so, because of the following additional facts: in the OA in question filed by the applicant, the applicant had impleaded Col Anil Jotwani (Retd.) as Respondent No. 4, and it was the contention of the applicant that Respondent No. 4 had incorrectly mentioned the appointment tenanted by the applicant. Notice was issued to Respondent No. 4, and vide e-mail dated 06.12.2020 received by the Registrar of the Armed Forces Tribunal, New Delhi, available in the paper book at page 184, is the counter affidavit of Respondent No. 4 dated 05.12.2020 in response to the notice issued to him. With regard to the specific allegation made by the applicant that Respondent No. 4 had incorrectly mentioned the posting and appointment of the applicant, the response of Respondent No. 4 in Para 2(a), (b), (c) and 4(a) of his counter affidavit read as under:

> *2(a) As Commanding Officer of the Uttar Bharat Area Signal Regiment (UBASR), I was posted with two Majors who were of same seniority (may be few days seniority difference, I don't remember how many days) by MS-13. On the day Colonel (then Major) Tega Singh Joined the Regiment there was one equal seniority Major posted who was already performing the duties of Officer Commanding 1 Company. As there was (and is) only one vacancy of Officer Commanding (OC) 1 Company in the Regiment he was adjusted as OC HQ as he joined the Regiment later than a Major who was already OC 1 Company.*

(b) After 12 years of the "Event" Colonel (then Major) Tega Singh should and must not forget the reason why he was sidestepped to UBASR from 6 Mountain Division Signal, Regiment (6MDSR). To tell the honourable court straight, UBASR and 6MDSR are co-located in Bareilly, Uttar Pradesh. On posting to 6MDSR, the office was planned to be deployed as Brigade Officer Commanding (OC) Signals to a station other than Bareilly as 6MDSR was spread in Northern Sector of Uttar Pradesh and Uttarakhand. As the location of the Brigade was away from Bareilly the officer was not interested in those stations as his wife was stationed in Bareilly. On his request only, to his CO, 6MDSR, the officer was sidestepped to UBASR. In no way, I as Commanding Officer (CO) was prejudiced, however, UBASR already had a Major as OC 1 Company when he arrived in the Regiment.

(c) How could I have accommodated two Majors in one "OC1s" appointment in the UBASR? To honour officer's request and interest in Bareilly station along with MS-13 order of sidestepping him to UBASR from 6MDSR, the adjustment in form 3008 was done. As CO of the unit I complied to both, Colonel (then Major) Tega Singh and MS-13, and there was no representation from me to MS-13. Here I must bring out to the Honourable court that this type of adjustments are common in any Army Regiment as authorized appointments sometimes are less than the officers posted in those Regiments due to their compulsions including compassions.

4(a) Colonel (then Major) Tega Singh's allegations are baseless, false, not as per the facts and are misleading the Honourable court. The fact is that the office was granted spouse posting to 6MDSR by MS-13, Army HQs as his wife, an Army Lady Officer, was posted in that station. However, his CO in 6MDSR had different plans to appoint him outside Bareilly (approx 100 kilometers distance) as he had vacancy in Brigade HQs as OC Signal. However, on Colonel (then Major) Tega Singh's personal request, he was sidestepped to UBASR which already had an officer posted, Lieutenant Colonel (then Major) Santosh Khadsare, and was performing the

duties of OC1. Please refer to Para 4(d) page No 7 of the officer's plea. Colonel (then Major) Tega Singh himself corroborates the above facts that he was on 'spouse-coordinated-posting'. The officer is misleading the Honourable Court by claiming that CO, 6MDSR spoke to MS-13 and got him posted out to UBASR. However, the fact is that on Colonel (then Major) Tega Singh's request the CO kindly spoke to MS-13. No CO speaks to MS-13 without any firm request from the officer, verbal or written.

(Emphasis supplied)

Finally in Para 6 he says, and, indicates as under:

> *(a) The applicant was reflected in form 3008 as per the available appointments in the Regiment as his frequent absences from the Regiment would have affected the smooth functioning of OC1 tasks/Regiment. It was/is also not feasible to reflect two Majors in the same appointment. Point is baseless and unsustainable as it is a normal practice in the Units.*
>
> *(b) To authenticate the facts stated above, may I request Honourable Court to obtain Colonel (then Major) Tega Singh's absence periods from UBASR along with the intervals (frequency) which included courses period, annual and casual leaves as undersigned has no means to corroborate the point.*

12. From the aforesaid narration of facts, it is clear that the issue with regard to the tenanting of posting of the applicant for the period in question was discussed in detail by this Tribunal based on all the documents that were available on record, and after taking note of all these factors, it was found that both the CRs were earned by the applicant in the rank of Major while tenanting the

appointment of Adjutant in the UBSR, and he has received a fair mix of ratings between 09 and 08. In our considered view, the findings recorded by this Tribunal in this regard are based on the material available on record and there is no error apparent on the face of the record in dealing with the matter. As far as initiation of the CR belatedly after a delay is concerned, the same issue has also been reflected in the order from Para 23 onwards. After going through the original records, we find that there is no error apparent on the face of the record in dealing with the issue. In our considered view, the main ground of challenge of the applicant is with regard to indicating the wrong appointment of the applicant for the period in question and the contention that merely because the applicant had certified it to be correct in the appropriate certificate issued vide Paras 4 to 7 of the CR, by virtue of Para 93, the responsibility cannot be fixed on the applicant.

13. In our considered view, in the facts and circumstances of this case as narrated hereinabove, the fact about the posting and appointment of the applicant was within the personal knowledge of the applicant, and when he had certified it to be correct, it has to be assumed that it was correct. He knew the place of his posting, and if he certified it to be correct, until and unless sufficient proof and material are produced to show that he was misled and the

certification was on account of misrepresentation or fraud, a factual certificate on matters of fact within the personal knowledge of a person cannot be said to be incorrect. That apart, in the OA the applicant had made specific allegations against Respondent No. 4 in this regard, and the reply filed by Respondent No. 4 along with the justification and reasons therein clearly shows that the applicant, with ulterior motive and reasons best known to him, has wriggled out of the certification given by him only to seek declaration of the CR as technically invalid.

14. The principle for review of an order or judgment is stated in Order 47 Rule 1 of the Code of Civil Procedure and in the case of *Aravidakshan Nair* (supra), the Hon'ble Supreme Court has laid down the following principles for the purpose of review of an order:

> *11. An application for review, regard being had to its limited scope, has to be disposed of as expeditiously as possible. Though we do not intend to fix any time limit, it has to be the duty of the Registry of every High Court to place the matter before the concerned Judge/Bench so that the review application can be dealt with in quite promptitude. If a notice is required to be issued to the opposite party in the application for review, a specific date can be given on which day the matter can be dealt with in accordance with law. A reasonable period can be spent for disposal of the review, but definitely not four years. We are compelled to say so as the learned counsel for the petitioner has submitted that there is a delay of 1700 days in preferring the special leave petition against the principal order as he was prosecuting the remedy of review before the High Court. The situation is not acceptable.*

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12. We are obliged to observe certain aspects. An endeavour has to be made by the High Courts to dispose of the applications for review with expediency. It is the duty and obligation of a litigant to file a review and not to keep it defective as if a defective petition can be allowed to remain on life support, as per his desire. It is the obligation of the counsel filing an application for review to cure or remove the defects at the earliest. The prescription of limitation for filing an application for review has its own sanctity. The Registry of the High Courts has a duty to place the matter before the Judge/Bench with defects so that there can be pre-emptory orders for removal of defects. An adroit method cannot be adopted to file an application for review and wait till its rejection and, thereafter, challenge the orders in the special leave petition and take specious and mercurial plea asserting that delay had occurred because the petitioner was prosecuting the application for review. There may be absence of diligence on the part of the litigant, but the Registry of the High Courts is required to be vigilant. Procrastination of litigation in this manner is nothing but a subterfuge taken recourse to in a manner that can epitomize "cleverness" in its conventional sense. We say no more in this regard.

It has been held that review of an order is limited to the extent of correcting errors apparent on the face of the record, and it is not a reassessment or reconsideration of the entire order or judgment on grounds which should be raised in an appeal and not in a review application. In our considered view, for the reasons indicated hereinabove, we find that the application for review is wholly unsustainable in law and fact. We find no error apparent on the face of the record. After going through the original CR dossier and files of the applicant, the OA was decided based on the material available on record, and therefore no case is made out for review or recall. That

apart, when the applicant sought remand of the matter from the High Court, it was tried to be indicated that the grounds canvassed in Ground D and Ground E had not been considered. Ground E deals with lack of objectivity in the assessment of the performance of the applicant, and Ground D deals with false assessment and writing a different appointment than what he was actually tenanting. Ground E has been elaborately dealt with by us in this order, and as far as Ground D is concerned, nothing has been argued on this ground to establish lack of objectivity in the assessment of performance or to demonstrate any error apparent on the face of the record.

15. Accordingly, finding no case for review or recall, the application is dismissed.

16. Pronounced in open Court on this the 12th day of September, 2025.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT. GEN. C. P. MOHANTY]
MEMBER (A)

Jyoti