

**BEFORE THE UTTARAKHAND PUBLIC SERVICES
TRIBUNAL, DEHRADUN**

Present: Sri V.K. Maheshwari

----- Vice Chairman (J)

&

Sri D.K. Kotia

----- Vice Chairman (A)

REVIEW PETITION NO. 01 OF 2013
(ARISING OUT OF THE JUDGMENT DATED 11.04.2012
PASSED IN C.P. NO. 91/T/2006)

K.N.Painyuli, S/o Shri B.D.Painyuli, Executive Officer (Retd.), Bangar
Mau Nagar Palika, District Unnao, R/o Unnati Vihar, Lane No. 2,
Extension No. 5, Lower Nathanpur, Dehradun.

.....Petitioner

VERSUS

1. State of U.P. through Secretary to the Govt. of U.P. Nagar Vikas
(Urban Development) Anubhag-4, Vikas Bhawan, Janpath,
Market, Hazartganj, Lucknow,
2. The Director of Local Bodies, U.P., 4, Prag Narain Road,
Lucknow,
3. Director of Urban Development, Uttarakhand, 43/06, Mala
Mandir Marg, Dharampur, Dehradun.

.....Respondents

Present: Sri L.K.Maithani, Counsel
for the petitioner

Sri Umesh Dhaundiya, A.P.O.
for the respondents

JUDGMENT

DATE: AUGUST 10, 2015

1. This is an application for review of the judgment passed by the bench of this Tribunal (one of us was also member of the bench) in C.P. No. 91/T/2006, K.N.Painuly Vs State of U.P. & others on April 11, 2012.

2. In the above mentioned claim petition, the petitioner had sought the relief of promotion to the post of Executive Officer, Nagar Palika Class-III from the date of promotion of his juniors namely, Vishnu Lal Awasthi and Shitala Pal Singh and others. The petitioner had further sought relief for Second promotion to the post of Executive Officer, Nagar Palika, Class-II from the date of promotion of his junior, namely Shitala Pal Singh.

3. After hearing respective parties, the above mentioned claim petition was allowed by this Tribunal and following operative order was passed:-

“The petition is allowed and the respondents are directed to promote the petitioner notionally to the post of Executive Officer Class-III w.e.f. 30.07.1991 and to the post of Executive Officer Class-II w.e.f. 07.12.1991 subject to being otherwise found suitable. However, no arrears of salary shall be admissible, but the pension of the petitioner should be refixed accordingly and the petitioner will also be entitled for arrears of pension, gratuity etc. No order as to costs.”

4. The petitioner is not satisfied with the direction of the Tribunal and has moved this petition for the review of the judgement passed in the original claim petition and has stated that the date of promotion of Shitala Pal Singh and others to the post of

Executive Officer Class-III was 05.02.1974 and to the post of Executive Officer, Class-II was w.e.f. 11.01.1988 but due to apparent mistake wrong dates have been mentioned in the judgment. The petitioner has also mentioned these dates as 20.1.1991 for the first promotion to the post of Executive Officer class III and 07.12.1991 for the post of Executive Officer class II which needs correction . Hence this petition for review.

5. The petition has been opposed orally on behalf of the respondents. It has been said that the judgment is correct and there is no scope of review. The scope of the review is very limited.

6. We have heard both the parties and perused the material available on record carefully.

7. It has been contended on behalf of the petitioner that the petitioner had made amendment in the petition and the date of promotion to the post of Executive Officer, Class-III was mentioned as 05.02.1974, whereas, the date of promotion to the post of Executive Officer Class-II was mentioned as 11.01.1988, but this amendment could not be taken into consideration while passing the judgment and wrong dates have been mentioned. Therefore, the judgment is liable to be reviewed and the dates are to be corrected. It has also been contended that the correction of the dates is simply a correction of clerical error. It is also contended that there is provision in Uttarakhand Public Services Tribunal Act, 1976 for the review so this Tribunal is competent to review its judgement. We have carefully given thoughtful consideration to the contentions raised on behalf of the petitioner and also gone through the judgment passed by this Tribunal. In fact, the date of promotion of the petitioner to the post of Executive Officer, Nagar Palika, Class-III and Executive Officer, Nagar Palika, Class-II have been clearly and specifically mentioned in the judgment. It does not appear that these dates are infested with some error or mistake. Once it is clear that dates

have been stated in the judgment after considering the evidence on record then there is no scope for any modification, correction or change of these dates. It is also pertinent to mention that scope of the review is very limited and while hearing the review petition, the same court will not act or sit as an appellate court. It may review only those errors which are apparent on the face of record. We do not find that there is any mistake or error, which are appearing on the face of record rather the dates sought to be changed have been mentioned with the proper application of mind. So we don't find any reason for correction or review. Therefore, the application for review is devoid of merit and is liable to be dismissed.

ORDER

The review application is hereby dismissed. No order as to cost.

D.K.KOTIA
VICE CHAIRMAN (A)

V.K.MAHESHWARI
VICE CHAIRMAN(J)

DATE: AUGUST 10, 2015
DEHRADUN

KNP