

Central Administrative Tribunal
Principal Bench

RA 249/99
in
OA 1788/99

New Delhi this the 4th day of December, 1999

Hon'ble Shri S.R. Adige, Vice Chairman(A).
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Kishan Lal Manhas, IFS. Applicant.

Versus

Union of India & Ors. Respondents.

O R D E R (By circulation)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

We have carefully considered the Review Application filed by the applicant in O.A 1788/99 praying for review of the Tribunal's oral order dated 28.10.1999.

2. The applicant has himself quoted the provisions of Order 47 Rule 1 CPC in Paragraph 9 of the RA. According to him, on the basis of the facts submitted by him in Paragraphs 1 to 8 and the provisions of Order 47 Rule 1 CPC, the Tribunal's order is "erroneous" and needs to be corrected and improved because a definite material which ought to have been considered by the Tribunal has escaped its consideration and could not come on record before it due to sudden, premature and hasty disposal of the O.A. We are unable to agree with the contentions submitted by the applicant in the Review Application that any of the grounds as provided under Order 47 Rule 1 CPC exists in this Review Application. The contention of the applicant that the impugned order dated 28.10.1999 appears erroneous and needs to be corrected is not a ground to allow the Review Application. In A.T. Sharma Vs. A.P.

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Sharma & Ors. (AIR 1979 SC 1047), the Supreme Court has held as follows:

"The power of review may be exercised on the discovery of new and important matter of evidence, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be convused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court".

(Emphasis added)

The impugned order is an oral order given after hearing the parties and taking note of the relevant facts. In the circumstances, Review Application is rejected.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

SRD