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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.117/95 in OA No.2075/94

New Delhi, this 25th day of January, 1996

Hon'ble Shri B.K. Singh, Member(A)
Hon'ble Dr. A.Vedavalli, Member(J)

1. Shri C.M.P. Sinha
s/o late Shri D.P. Sinha
R-9, Andrewsganj Extension, New Delhi-49
2. Shri V.K. Jain
s/o late Shri Deep Chand Jain
A-3/27A, DDA Flats
Paschim Vihar, New Delhi-63 .. Applicants

(By Shri S.S.Tiwari, Advocate)

Versus

Union of India, through
Secretary,
Department of Industrial Development
Ministry of Industry
New Delhi - 110 001. Respondents
(By Shri V.S.R. Krishna, advocate)

ORDER

This RA No.117/95 has been filed by the applicant against the order dated 9th March, 1995 passed in OA 2075/94.

2. The scope of review is very limited. The Tribunal is not vested with any inherent power of review. It exercises that power **in the background of S:22(3)(f) of the A.T. Act, 1985.** under order 47, rule 1 of the CPC. A review can be allowed on three grounds, namely (i) on discovery of a new and important kind of evidence, which, after exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him at the time when the decree was passed or the order was made, or (ii) some mistake or error apparent on the face of the record, or (iii) for any other sufficient reason (which has been interpreted to be analogous to the other reasons specified above).



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3. Review proceedings can not be equated with the original hearing of the case and the finality of the judgement delivered by the court will not be reconsidered unless there is glaring omission or patent error which has crept in the order by the judicial fallibility i.e. an error apparent on the face of the record exists. If two views are canvassed on an issue, the court can adopt one. But if the view adopted by the court in the original judgement is a possible view this cannot be treated as error apparent. This was also the view held by the Hon'ble Supreme Court in the case of Northern Indian Caterers (India) Ltd. Vs. Lt. Governor of Delhi, AIR 1980 SC 674.

4. We have carefully gone through the review application and the reply filed by the respondents. The learned counsel, during the course of argument of the review application, has stuck to the view that the judgement is based on a wrong assumption and is erroneous.

5. As stated above, if two views are canvassed, it is possible for the Tribunal to accept one view and reject the other. If the view is based on a wrong assumption, the judgement will become erroneous. The error apparent on the face of record does not include within itself any erroneous judgement passed on wrong interpretation of rule. A wrong order can not be challenged in the review petition since wrong orders are based on wrong assumption or wrong interpretation of rules and these will not fall within the scope of order 47, rule 1 CPC. If it is found that the view taken by the Tribunal is erroneous, proper course would be to file an SLP before the Hon'ble Supreme Court and not to

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agitate the matter before the Tribunal again in the form of review petition. It may also be further stated that the review application is not for a fresh hearing of the case. It can be filed only for removal of an error apparent on the face of the record - it may be a factual error or it may be a legal error. Error apparent on the face of record is not synonymous with wrong assumption or wrong interpretation of rules and therefore this will not fall within the purview of order 47, rule 1 CPC. Since it does not fall within the four corners of order 47, rule 1, the same is rejected under order 47, rule 4(1) of the CPC.

A. Vedavalli
25/1/96

(Dr. A. Vedavalli)
Member (J)

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(B. K. Singh)
Member (A)

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