



**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CHANDIGARH BENCH**

R.A.NO.060/00005/2021in  
O.A.NO.060/0801/2020

Decided on: 09.02.2021

**HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

Keshav Kumar Sharma

S/o Krishan Sharma, aged 66 years,

Ex-Sr Auditor (Group – C),

presently resident of H.No. B-6/14, Ward No. 8,

Mohalla Salaria,

Near Govt. School Sujampur,

Teh & Distt. Pathankot-1450023.

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Applicant

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Joint Controller of Defence Accounts (BR), Sector-48/C, Chandigarh-160047.
3. Accounts Officer, WBW, (GRE) Pathankot C/o 56 APO-145023.

Respondents



**O R D E R (BY CIRCULATION)**  
**HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

First of all, I observe that the scope of review is very limited to the extent of correction of an error apparent on the face of record. An order can only be reviewed if the case squarely falls within the legal ambit of review and not otherwise. Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 regulates the provisions of review of the orders. As per this a review will lie only when there is discovery of any new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by the review applicant seeking the review at the time when the order was passed or made on account of some mistake or error apparent on the face of the record.

2. Hon'ble Apex Court in case **STATE OF WEST BENGAL AND OTHERS VS. KAMAL SENGUPTA AND ANOTHER** (2008) 8 SCC 612, has laid down the principles of review for review of the orders as under :-

(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin / analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC.

(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.

(iii) The expression 'any other sufficient reason' appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).

(v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.

(vi) A decision / order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision / judgment of a coordinate or larger bench of the Tribunal or of a superior Court.

(vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or



development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier."

3. It is, thus, apparent that the original order can only be reviewed if case strictly falls within the domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise.

4. In the R.A., the applicant pleads that competent authority has failed to consider his claim as per various judicial pronouncements. Further, he pleads that another O.A. has been decided by this Tribunal by directing the department to consider payment of medical expenses in view of law laid down in the case of Mohan Lal Gupta (Annexure RA-2).

5. I have gone through the Review Application as well as the O.A. The applicant is drawing similarity in two cases which are not similar at all. Annexure RA-2 clearly shows that in that case, the claim of applicant therein was rejected on the ground that retirees are not covered under CS (MA) Rules, 1944. Thus, a final call was taken by the respondent department in that case.

6. On the other hand, in the present case, there is no decision whatsoever by the respondents on the claim of the applicant. The only 'order' brought in the present O.A. was an internal communication between Respondent No.2 and No.3. Even this 'order' was by way of 'remarks'. And in conclusion, there was only an 'advice'. No communication to the applicant himself from the respondent department was enclosed with the O.A. So, in this case it was rightly concluded that respondents are yet to take a final call on the claim of the applicant.



7. It is clear from the above that there is no parity between these two cases. While in one case decision has been taken by the respondents on the claim of the applicant, it was not so in the present O.A. Needless to mention here that each case has to be examined and decided on the basis of facts involved therein and not in a mechanical manner.

8. R.A. is, therefore, totally misconceived and is dismissed by circulation.

**(AJANTA DAYALAN)**  
**MEMBER (A)**

Place: Chandigarh  
Dated: 09.2.2021

HC\*