

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**REVIEW APPLICATION NO.200/00009/2020**  
**(in OA No.200/00431/2018)**

Jabalpur, this Thursday, the 19<sup>th</sup> day of November, 2020

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**

Pawan Deo, S/o Shri S.K.P. Sinha, aged about 52 years, presently working as  
 CMD, Chhattisgarh Police Housing Corporation, SIB Building, Old PHQ,  
 Civil Lines, Raipur (C.G.) 492001  
 -Applicant

**V e r s u s**

1. Union of India through its Secretary, Ministry of Home Affairs, North Block, New Delhi – 110001.
2. State of Chhattisgarh through its Addl. Chief Secretary, Department of Home (Police), Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (C.G.) – 492002.
3. Director General of Police, State of C.G., Police Head Quarters, Naya Raipur, Raipur (C.G.) – 492002.
4. Asha Yadav, aged about 29 years, D/o Late Ganesh Prasad Yadav, R/o Kundrapara, Ward No.13, Lormi, District Mungeli (C.G.) - Respondents

**O R D E R (in circulation)**

**By Ramesh Singh Thakur, JM.**

This Review Application has been filed by the applicant to review the order dated 05.10.2020 passed by this Tribunal in Original Application No.200/00431/2018.

2. From perusal of the order under review it is found that the aforesaid OA was allowed after hearing the learned counsel of both sides and after perusal of the pleadings of the respective parties. The operative part of the order reads as under:

*“25. Resultantly, the Original Application is allowed. The impugned chargesheet dated 19.04.2018 (Annexure A-1) is quashed and set aside. The respondents Nos.2 & 3 may proceed further from the stage of submission of report dated 02.12.2016 (Annexure A-6) by the Internal Complaints Committee, as per the Act of 2013 keeping in mind the observations made hereinabove. No costs.”*

3. The main ground of the applicant in this Review Application is that the proceedings of the Internal Complaints Committee and its inquiry have been challenged in Original Application No.200/502/2018 and this Tribunal vide order dated 17.05.2015 (Annexure RA-2) have directed the respondents not to take adverse action against the applicant till the issue of interim relief is decided. It has been stated in the Review Application that the observations made in Para 25 of Original Application No.200/00431/2018 may adversely affect the pending Original Application No.200/00502/2018, wherein interim orders have been passed by this Tribunal.

4. In the garb of the present Review Application the applicant is praying for rehearing of his Original Application by raising the grounds, which were not the subject matter of the Original Application. The applicant had challenged the issuance of chargesheet dated 19.04.2018 in Original



Application No.200/00431/2018, which was quashed and set aside by this Tribunal vide order dated 05.10.2020. The issue regarding the proceedings of the Internal Complaints Committee is being challenged separately in Original Application No.200/00502/2018, wherein the respondents therein have been restrained not to take adverse action against the applicant and the matter is pending consideration before this Tribunal. So, we do not find any error apparent on the face of record, which warrants review/rehearing of our order dated 05.10.2020.

5. We may also note that the power of review available to this Tribunal is the same as has been given to a Court under Section 114 read with Order 47 Rule 1 of the Civil Procedure Code. The apex court has clearly stated in **Ajit Kumar Rath Vs. State of Orissa and others**, (1999) 9 SCC 596 that: “a review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier, that is to say, the power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it”. This Tribunal can not review its order unless the error is plain and apparent. It has clearly been further held by the apex court in the said case that: “[A]ny other attempt, except an attempt to correct an apparent error or an attempt not based on any ground set out in Order 47, would



amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment”.

6. Hon'ble Supreme Court in 1995 (1) SCC 170 **Meera Bhanja (Smt.)**

Vs. **Nirmala Kumari Choudhury (Smt.)** observed that an error apparent on the face of record must be such an error which must strike one on mere looking at the record. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. Where an alleged error is far from self-evident and if it can be established, it has to be established by lengthy and complicated arguments, such an error can not be cured in a review proceeding.

7. It is also settled principle of law that the Tribunal cannot act as an appellate court for reviewing the original order. This proposition of law is supported by the decision of the Hon'ble Supreme Court in the case of **Union of India Vs. Tarit Ranjan Das**, 2004 SCC (L&S) 160 wherein their lordships have held as under:

*“The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application”.*



8. Hon'ble Supreme Court in the matters of **State of West Bengal and others Vs. Kamal Sengupta and another**, (2008)2 SCC (L&S) 735 scanned various earlier judgments and summarized the principle laid down therein, which reads thus:

*“35. The principles which can be culled out from the above-noted judgments are:*

- (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 CPC.*
- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 CPC.*
- (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."*

**9.** We are, therefore, of the view that the law noticed hereinabove is squarely applicable in the present case and since no error apparent on the face of record has been pointed out or established, the present Review Application is misconceived and is liable to be dismissed.

**10.** In the result, the Review Application is dismissed at the circulation stage itself.



**(Naini Jayaseelan)**  
**Administrative Member**

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**(Ramesh Singh Thakur)**  
**Judicial Member**