



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

R.A.NO.063/00004/2021
 in O.A.NO.063/01021/2020

Decided on: 04.02.2021

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

P.D. Thakur,

aged 72 years about (Group C),

S/o Late Sh. Narayan Singh,

R/o Banga, Tehsil Sarkaghat,

Distt. Mandi (H.P)-175050.

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Applicant

VERSUS

1. Union of India through Secretary Ministry of Home Affairs,
 Directorate General, Shashtra Seema Bal, SSB, Block-V
 (East), R.K. Puram, New Delhi, Pin-110066.
2. Commandant, Central Storage Depot & Workshop, Post Office
 CTT Nagar, Bhadbhada Road, Bhopal (M.P)-462003.
3. Pension Accounts Officer (IIU), Shashtra Seema Bal, Ministry
 of Home Affairs, Block-V (East), R.K. Puram, New Delhi-
 110066.

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. I have gone through the Review Application. The applicant is pleading various grounds for review of the order dated 24.12.2020 (Annexure RA-1). Inter-alia, he has indicated that various representations were made by the applicant subsequent to the impugned orders. However, it is settled law that the repeated representations do not extend the period of limitation which has to be applied strictly as per law laid down by Hon'ble Supreme Court in the case of **S.S. RATHORE VS. STATE OF M.P** (AIR 1990 SC 10).

5. There was no application for condonation of delay attached with the O.A. Hence, no cause for condoning delay in filing the O.A. – what to talk of sufficient cause – was made out.

6. The other grounds taken up by the applicant pertain to merits of the case which I have not gone into due to the O.A. having been filed beyond the period prescribed in Section 21 of the Administrative Tribunals Act, 1985 - that too without even an application for condonation of delay.

5. R.A. is, therefore, dismissed by circulation.

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 04.2.2021
HC*