

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A.No. 170 of 1994
in
D.A.No. 964 of 1989

Dated New Delhi, this the 16th day of May 1994

Shri J. P. Sharma, Member (J)
Shri B. K. Singh, Member (A)

1. Union of India, through
The Secretary
Ministry of Communications
Sanchar Bhawan
NEW DELHI
2. The Director General
Posts & Telegraphs
Dak Tar Bhawan
Parliament Street
NEW DELHI
3. The Post Master General
U.P. Circle
Lucknow
4. The Sr. Supdt. of Post Offices
Mathura Division
Mathura
5. The Sr. Supdt. of Post Offices
Ghaziabad Division
Ghaziabad
6. The Sr. Post Master
Ghaziabad
7. The Sr. Post Master
Mathura

ORDER

Shri B. K. Singh, M(A)

This RA.170/94 in OA.964/89 Behari Lal Sharma
as applicant versus Union of India & Ors as
respondents, has been filed against the order and
judgement in OA.964/89 delivered on 24,3,94.

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2. We have carefully gone through the RA. This only represents the history of the case and reiteration of the same facts which the applicant argued in person at the time of hearing. The case had been closed. But he was given a further opportunity to state his case. We heard him at great length and then finally passed judgement and order dated 24.3.94.

3. This Tribunal is not vested with inherent power of review. The power of review is exercised under Order 47 Rule 1 read with Section 114 of CPC. The provisions contained therein are that Civil Courts have the power to review their decisions on the following grounds:

- (i) Discovery of new and important fact or evidence which, after the 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 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 other reasons specified above), or
- iv) It can be filed by a party which was not impleaded as a party and is affected by the decision and order contained in the judgement.

Order 47 Rule 4(1) lays down that if there is no sufficient ground for a review, the same shall be rejected, if there is any evidence or any

factual or legal error on the face of the record; Rule 4(2) lays down that it shall be heard after serving due notice and giving opportunity to the rival parties. A careful study of Order 47 and the various rules will indicate that a review will not lie for a fresh hearing or for advancement of new arguments.

4. The RA is maintainable only if it comes within the four corners of Order 47 Rule(1) read with Sec 114. As stated above, a review can be applied by a third party only if he is adversely affected by the decision. The review asked for, therefore, shall ^{not} be for hearing of arguments nor even for correction of an allegedly erroneous view taken but only for correction of a patent error of fact or law which stares one in the face of the record without any concrete argument being needed to establish it. The plea not taken in the OA cannot be allowed to be raised in the RA. Any other sufficient reason implies the reason sufficiently analogous to those specified in Rule(1) of Order 47. We have carefully gone through the RA and find that the review applicant has not been able to show any new fact or evidence which was within his knowledge but which he could not produce at the time of hearing or an evidence which in spite of his best effort, he could not produce it. It is only the reiteration of the same old facts. No

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31

factual or legal error has been shown in the judgement and order dated 24.3.94. It does not fall within the four corners of Order 47 Rule 1 $\frac{1}{2}$ and as such the RA is being summarily rejected under Rule 4(1) by circulation.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)

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