

(72)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

R.A.NO. 77/90 in -  
O.A.NO.149/90

DATE OF ORDER: 8<sup>th</sup> Nov. 91.

SHRI ARUN KUMAR SINGH & ORS. VS. U.O.I., U.P.S.C.

O R D E R

This review application is directed against our inter-locutory order dated 24.5.1990, in O.A.No.149/90, passed in continuation of an earlier order dated 2.4.1990, in the same O.A., for the reasons mentioned in the review application.

2. We proceed to decide the review application, by circulation, between us, in terms of Rule 17(iii) of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. Powers of review as contained in Section 22(3)(f) of the Administrative Tribunals Act, 1985, are the same as provided for in Order 47, Rule 1 of the Code of Civil Procedure, 1908. Sub-rule(1) to Rule 1, of Order 47 C.P.C. may be reproduced as under:-

(i) Any person considering himself aggrieved-

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

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(c) by a decision on reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

4. A perusal of the above makes it clear that a review application lies against a 'decree' or 'order', as mentioned therein. The terms 'decree' and 'order' are defined in sub-section(2), and sub-section(14) of Section 2 of C.P.C., as under:-

(2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final.

It shall be deemed to include the rejection of a plaint and the determination of any question within Section 144, but shall not include-

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(a) any adjudication, from which an appeal lies as an appeal from an order, or

(b) any order of dismissal for default.

14. "order" means the formal expression of any decision of a Civil Court which is not a decree;

5. From the perusal of the definitions of the above terms leads us to say that the orders against which review lies are in the nature of final orders, or at least, not the ones against which the review has been sought for, in the present case, and that too, when the order received against has been passed, maintaining the earlier order dated 2.4.1990, in the same O.A. We are, therefore, of the view that the review application in the present case is not maintainable, and hence, is declined/rejected.

6. A copy of this order be sent to the learned counsel for the review applicant.

*I.K. Rasgotra*  
(I.K. RASGOTRA)  
MEMBER(A) 8/11/91

*T.S. Oberoi* 8.11.91  
(T.S. OBEROI)  
MEMBER(J)

/vv/