

Central Administrative Tribunal  
Principal Bench

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RA 116/97  
in  
O.A. 1042/92

New Delhi this the 16 th day of January, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri R.K. Ahooja, Member(A).

Shri Biswajit Kumar Singh,  
Working as Divisional Forest Officer  
of Indian Forest Service in Bihar  
State ... Applicant.

By Advocate Shri D.K. Sinha.

Versus

Union of India through  
the Secretary,  
Ministry of Environment & Forests,  
Paryavaran Bhavan,  
CGO Complex,  
Lodi Road, New Delhi. ... Respondents.

By Advocate Shri V.S.R. Krishna.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J),

Both the learned counsel for the parties have been heard on RA 116/97 in O.A. 1042/92. The Review Application has been filed by the applicant in O.A. 1042/92 praying for recall of the impugned order dated 16.10.1996. Shri D.K. Sinha, learned counsel for the applicant, has vehemently argued that the conclusion of the Tribunal in O.A. 1042/92 is erroneous and incorrect that the Tribunal does not have the powers to issue orders, as prayed for. He has submitted that, on the contrary, the Tribunal has all the powers of the High Court under Article 226 of the Constitution as well as inherent powers to give appropriate directions in the interest of justice as the High Court and the Hon'ble Supreme Court, as held by the Apex Court in Union of India & Anr. Vs. B.C. Chaturvedi (SCC 1995(6) 759). He

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claims that on the face of the impugned order there is an apparent error on the record which, therefore, needs to be reviewed by the Tribunal. The applicant had approached the Supreme Court by way of an SLP against the impugned judgement/order dated 16.10.1996 which was, however, dismissed as withdrawn by order dated 17.3.1997. The applicant has also filed an MA 1131/97 for condonation of delay which has been filed along with the RA on 15.4.1997.

2. Shri V.S.R. Krishna, learned counsel for the respondents, has submitted that neither there is sufficient ground to condone the delay nor any grounds made out in the Review Application for allowing the same, as there is no error apparent on the face of the record, as provided under Order 47 Rule 1 CPC read with the provisions of Rule 17(2) of the CAT (Procedure) Rules, 1987 to allow the application.

3. After careful consideration of the submissions made by the learned counsel for the parties and perusing the Review Application, we are of the considered view that this Review Application does not lie. What is urged by the learned counsel is that in the guise of the Review Application this Bench should exercise the powers as if it is sitting as a court of appeal against the impugned order. This is not permissible under law. The Review Application will lie only if any of the grounds mentioned in Order 47 Rule 1 CPC is applicable. What is pleaded in the present case is that as held by the Supreme Court in **Chaturvedi's case (supra)** this Tribunal has all the powers of the Supreme Court to give appropriate directions in the interest of justice. If the applicant is aggrieved that the decision

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is erroneous then the remedy lies elsewhere and not by way of Review Application. In a catena of judgements (See **Chandra Kanta Vs. Sheikh Habib** (AIR 1975 SC 1500), **Thungabhadra Industries Ltd. Vs. Govt. of Andhra Pradesh** (AIR 1975 SC 1500), **Smt. Meera Bhanja Vs. Smt. N.K. Choudhary** (JT 1994 (Vol.7) SC 536) and **Parson Devi & Ors. Vs. Sumitri Devi & Ors.** (JT 1997(8) SC 480), the Supreme Court has repeatedly held that "a review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition of....old and overruled arguments....are not sufficient".

4. We have also seen MA 1131/97 praying for condonation of delay in filing the Review Application. It has been submitted that although the time for filing RA is 30 days, the delay of about 5 months is unintentional and it may be condoned in the interest of justice. It is seen that the Supreme Court had dismissed the SLP as withdrawn by order dated 17.3.1997 and on the facts of the case, therefore, we are not satisfied that there is sufficient ground to condone the delay.

5. For the reasons given above, RA 116/97 and MA 1131/97 are rejected.

*R.K. Ahooja*  
(R.K. Ahooja)  
Member (A)

SRD

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

16/1/98