

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Misc. Review Application No. 03 of 1998

In

Original Application No. 1644 of 1992

Allahabad this the 20th day of August 1999

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. S.L. Jain, Member (J)

Kaushal Kumar Mishra, Son of Shri Chandra Lal Mishra,
Resident of House No.D-53/14, C6, Laxa Road, Ramkund,
Varanasi.

Applicant

By Advocate Shri V.K. Goel

Versus

1. Union of India through Secretary, Ministry of Information and Broadcasting, Central Secretariat, New Delhi.
2. The Director General, All India Radio, New Delhi.
3. Station Director, All India Radio, Varanasi.

Respondents

By Advocate Shri Vikram Gulati

O R D E R

By Hon'ble Mr. S.L. Jain, Member (J)

This is a review application by the applicant of O.A.No. 1644 of 1992, the order sought to be reviewed is dated 06.11.1997.

S.L. Jain

2. The ground for review is that in para-8 and 9 of the order, the Bench has taken the view that the applicant was engaged for the first time on the basis of an agreement dated 1.9.1983 on contract basis the case of the applicant is not covered by the scheme annexure-4 and as such he is not entitled to be regularised as government servant.

3. The ground which is alleged for review is that scheme (annexure-4) is misread, before the scheme (annexure-4) was introduced, all staff artists were engaged only on contract basis, scheme applies to artists engaged on 6.3.1982 and thereafter.

4. The respondents resisted the claim of the applicant and sought dismissal of the review petition.

5. There is also a delay condonation application on the ground that the copy of the order was received on 9.1.1998 and review is filed on 27.1.1998 though counter has been filed to the same but the facts can not be denied and a review application is well in time. As there has been no delay in filing the review application, the misc. delay condonation application deserves to be allowed and is allowed accordingly.

6. Section 22(3) of the Administrative Tribunals Act 1985 confers on an Administrative Tribunal discharging its functions under the Act, the same powers as are vested in a civil court under the Code of Civil Procedure while trying a suit in respect, inter-alia of reviewing its decisions. Section 22(3) is as follows:

" Section 22(3)(f):

A Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect

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of the following matter, namely

(f) reviewing its decisions;

7. A Civil Court's power to review its own decision under the Code of Civil Procedure is contained in order 47 Rule 1, Order 47 Rule 1 provides as follows:-

" Order 47 Rule 1:

Application for review of judgment:-

(1) 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

(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."

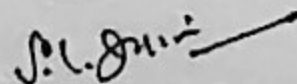
8. On the basis of the above proposition of law, it is clear that power of the review available to the Administrative Tribunal is similar to power given to civil court under Order 47 Rule 1 of Civil Procedure Code, therefore, any person who consider himself aggrieved by a decree or order from which an appeal is allowed but from which no appeal has been preferred can apply for review under Order 47 Rule 1(1)(a) on the ground that there is an error apparent on the face of the record or from the discovery of new and

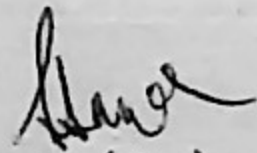
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important matter or evidence which after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree or order was passed but it has now come to his knowledge.

9. In the instant case there appears to be no error apparent on the face of the record or there is no other sufficient reason on the basis of which the order delivered by this Tribunal dated 6.11.97 can be reviewed as submitted by the applicant.

10. Accordingly there is no reasonable basis to review the impugned order and this review application is dismissed.


Member (J.)


Member (A.)

Nafees.