

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No.40 of 1998

In

Original Application No.674 of 1996

Allahabad this the 23rd day of December, 1998

Hon'ble Mr. S.K. Agrawal, Member (J)

Union of India and Others..... Applicants

By Advocate Sri S.C. Tripathi

Versus

Radhey Shyam Respondent

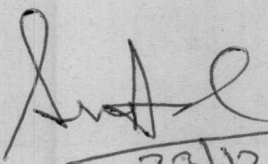
O R D E R (By Circulation)

By Hon'ble Mr. S.K. Agrawal, Member (J)

This review application has been filed to review the judgment and order dated 31. 8.98 passed by this Tribunal in the O.A. No. 674 of 1996.

2. I perused the averments made in this review application and perused the judgment of this Tribunal dated 31.8.98.

3. 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


23/12

While trying a suit in respect, inter-alia, of reviewing its decisions. Section 22(3)(f) 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 of the following matter, namely.

(f) reviewing its decisions;

4. A Civil Court's power to review its own decisions 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 :-

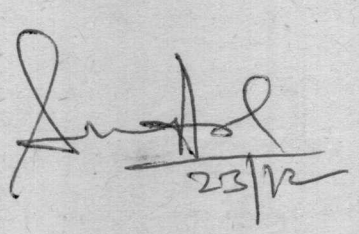
(1) Any person considering himself aggrieved:-

(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."

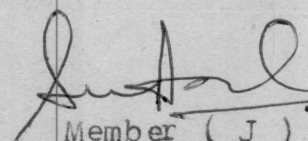

23/12

3

5. On the basis of the above preposition 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 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. The power of review may not be exercised on the ground that the decision is erroneous on merit. The power of review should not be confused with the appellate powers which may enable the appellate court to correct the errors.

6. 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 the order/judgment delivered by this Tribunal, can be reviewed as submitted by the applicant. Therefore, there is no reasonable basis to review this impugned judgment and this review application has no force at all.

7. On the basis of the above, the review application is dismissed.


Member (J) 23/12/98

/M.M./