

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Review Application No. 22 of 1998

In

Original Application No. 574 of 1996

Allahabad this the 17th day of August 1998

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

Zamir Uddin Ahmad s/o Late Alim Uddin, R/o 46-C Karbala,  
P.O.-Leader Press, Allahabad.

Applicant

By Advocate Sri Anand Kumar

Versus

Union of India through General Manager, Northern Railway,  
Baroda House, New Delhi and Others.

Respondents

O R D E R (BY CIRCULATION)

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

By this review application, the applicant has made a prayer to review the order of this Tribunal dated 03/6/98 passed in O.A.NO. 574 of 1996. The case of the applicant is that this Tribunal has erred in law not directing the respondents to pay Rs.3000/- amount of his gratuity, with interest.

2. I perused the averments made in this review application and also perused the judgment of this Tribunal dated 03/6/98.

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 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,

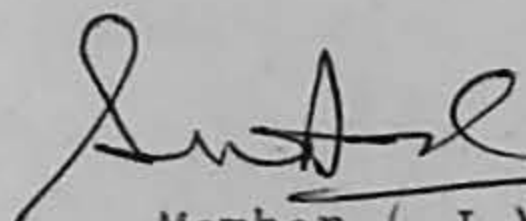
and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, 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"

5. 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 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.

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 ) 17/8/98

/M.M./