

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Review Application No. 37 of 2004 in
Original Application No. 352 of 1999**

Wednesday, this the 9th day of May, 2007

**Hon'ble Mr. Ashok S. Karamadi, J.M.
Hon'ble Mr. K.S. Menon, A.M.**

Virendra Dubey

Applicant

Versus

Union of India and others

Respondents

By Advocate Sri R.P. Singh (Counsel for the applicant)

By Advocate Sri Saumitra Singh (Counsel for the respondents)

ORDER

By Ashok S. Karamadi, Member (J)

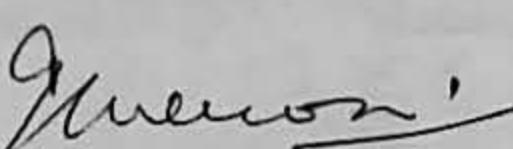
This Review Application is filed for reviewing the Order dated 14th January 2004 with application for condonation of delay in filing the Review Application as the same is filed after the limitation period. The reasons mentioned in the application for condonation of delay are not sufficient. It is submitted by the counsel for the respondents that the grounds taken in the Review Petition are in the nature of Appeal, therefore, same cannot be accepted. On perusal of the pleadings, it is clear that the grounds taken by the Review Applicant are in the nature of Appeal and this is not the forum, which has to set right the incorrectness of the Order by way of filing the Review Application. Having regard to the fact and the law enunciated by the Hon'ble Supreme Court, this review application will not come within the purview of the guideline laid down by the Hon'ble Supreme Court. In this

regard, the relevant portion of the Judgment rendered by the Hon'ble Supreme Court cited in the case of Union of India Vs. Rajendra Kumar Dubey & Ors. (CAT, Jaipur) 2005 (1) (CAT) is quoted below: -

"It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, C.P.C. In connection with the limitation of the powers of the Court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India the Supreme Court, in the case of Aribam Tuleshwar Sharma Vs. Aribam Pishak Sharma, AIR 1979 SC 1047, has held as under:

"It is true as observed by this Court in Shivdeo Singh v. State of Punjab, there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the subordinate Court."

2. In view of the above, we are of the view that the Review Application is only maintainable if there is any error apparent on the face of the record. The scope of review is very limited. We do not find good reason to condone the delay and accordingly the delay application and Review Application are dismissed.



Member (A)



Member (J)

/M.M./