

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

RA/050/0003/2021

[OA/050/00064/2021]

Date of order : 22nd March, 2021**C O R A M**

Hon'ble Shri M.C.Verma, Member [Judicial]

Hon'ble Shri Sunil Kumar Sinha, Member [Admn.]

Durga Datt Choubey, aged 41 years, S/o Shri Shyam Vibhow Choubey, resident of Quarter No.201/III, Block-F, Residential Complex, Rail Wheel Plant, Bela, P.O. – Arvind Nagar, Distt. – Siwan, PIN – 241221, presently working as Senior Technician in Mechanical Department of Rail Wheel Plant, Bela, PO – Arvind Nagar, Distt.- Saran, PIN – 841221.



.....

Applicant

By Advocate : In Person.

Vrs.

1. Union of India through Chairman, Railway Board, Rail Bhawan, Raisina Marg, New Delhi – 110001.
2. Chief Administrative Officer, Rail Wheel Plant, PO – Arvind Nagar, District – Saran [Chhapra], PIN 841221.
3. Principal Chief Mechanical Engineer, Rail Wheel Plant, PO – Arvind Nagar, District – Saran [Chhapra], PIN 841221.
4. Deputy Chief Personnel Officer, Rail Wheel Plant, Bela, PO – Arvind Nagar, District – Saran [Chhapra], PIN – 841221.
5. Assistant Personnel Officer, Rail Wheel Plant, PO – Arvind Nagar, District – Saran [Chhapra], PIN 841221.

...

Respondents

By advocate : None

O R D E R**[Under Circulation]****Per M.C.Verma , Member [J]**

The instant Review Application bearing No. RA/050/0003/2021 has been filed to review the order passed by this Tribunal on 15.02.2021 in OA No. OA/050/00064/2021 on the ground that for the ends of justice, grievance of the applicant may be decided on merits instead of giving directions to the respondents to consider the representation dated

20.12.2019 [Annexure-A/11 of the OA] and pass speaking order within three months. Needless to say that the OA was disposed of on 15.02.2021 in presence of both the parties.

2. The Hon'ble Apex Court in the State of West Bengal & Ors. Vs. Kamal Sengupta and another, 2008 (3) AISLJ 209, vide para 28 of its judgment has held that the ingredients to be met in case of a review order has to be the following :



- (i) Power of Tribunal to review is akin to Order 47 Rule 1 CPC read with Section 114,
- (ii) Grounds enumerated in Order 47 Rule 1 to be followed and not otherwise,
- (iii) Any other sufficient reason appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) Order cannot be reviewed on the basis of subsequent decision/judgment of co-ordinate larger Bench or superior Court,
- (v) Adjudication with reference to material which was available at the time of initial decision. Subsequent event/development is not error apparent.
- (vi) Mere discovery of new/important matter or evidence not sufficient ground for review. The party has to show that such matter or evidence was not within its knowledge and even after exercise of due diligence, the same could not be produced earlier before the Tribunal.

The Apex Court in **Gopal Singh vs. State Cadre Forest Officers' Association & Ors.**, (2007) 2 SCC (L&S) 819, has held that “a Tribunal cannot sit over its own judgment as an appellate authority.” It cannot write a second order. In a review reasons have to be given why a review is justified. Error apparent on the face of the record has to be justified.

3. Under the circumstances, we find no merit in the Review Application, therefore, the same is accordingly dismissed.



[M.C.Verma]
Member [Judicial]

mps/-

Hon'ble Shri Sunil Kumar Sinha, Member [A]

