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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

REVIEW APPLICATION NO.13 OF 1999
IN
ORIGINAL APPLICATION NO.766 OF 1992

Allahabad, this the 5th day of July, 1999.

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

Kamlesh Kumar Verma Applicant

Versus

Union of India and others Respondents
Counsel for the applicant :- Shri Satya Vijay, Advocate

ORDER (By Circulation)

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

By this review application applicant has made a prayer to review the order of this Tribunal dated 25-1-1999 passed in original application No.766 of 1992. The applicant has requested this Tribunal by this application to direct the respondent to permit the applicant to continue in service and to treat him as regular class-IV employee and pay him salary with all consequential benefit.

2. By the impugned order dated 25-1-99 this Tribunal passed the following :-

"In view of this legal proposition, we are of the considered opinion that this application has been filed beyond the limitation and is hopelessly barred by limitation.

contd.../2p

Even on merits, the applicant has no case and the rulings cited by the learned lawyer for the applicant shall not help the case of the applicant on the basis of the facts and circumstances of the case.

We, therefore, dismiss this original application with no order as to cost."

3. I perused the averments made in this Review Application and also perused the judgement of this Tribunal dated 25-1-99.

4. Section 22(3) of the Administrative Tribunal 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 of the following matter, namely

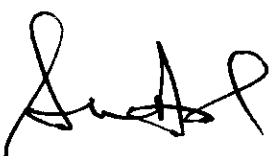
(f) reviewing its decisions;

5. 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 kg

Application for review of judgement :-

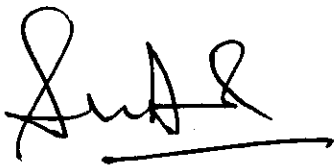
(1) Any person considering himself aggrieved:-



- (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 judgement to the Court which passed the decree or made the order."

6. 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.

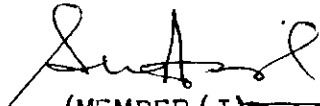


7. It is now well settled that review lies either on discovery of new and important fact or


evidence which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made or where there is some mistake or error apparent on the face of it, in the judgement. The power of review should not be exercised on the ground that the decision is erroneous on merits. The power of review should not be confused with the appellate powers which may enable the appellate court to correct the error committed in all manners.

8. In the instant case, neither there is any error apparent on the face of the record nor any fact is alleged to have been discovered on the basis of which it is necessary to review the order. This Court while exercising the power of review does not exercise the power of appeal, therefore, I am of the view that there is no ground to interfere in the said order and it is not at all warranted to review this order. Therefore, in my considered opinion no case for review of the said order is made out.

9. Therefore this Review Application is dismissed.


(MEMBER (J) 5/7/99)

I agree.


14/7/99
MEMBER (A)