

3

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD
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Review Application No. 1104/93
in
Original Application No. 826/92

Jaipal Singh .. Vs .. The Secretary, Ministry
of Defence and others.

-:0:-

HON'BLE MR MAHARAJDIN, MEMBER-3

This review application has been preferred under
Section 22(3)(f) of the Administrative Tribunal Act, seeking
review of judgment dated 12-04-93 by which original application
No. 826/92 was dismissed.

As provided by Section 22(3)(f) of the Act *ibid*,
the Tribunal possesses the same powers of review as are vested
in a civil court while trying a civil suit. As per the pro-
visions of Order ^{XLVII} XLVII, Rule 1 of the Code of Civil Procedure,
a decision/judgment/order can be reviewed :

- (i) if it suffers from an error apparent on the
face of the record ; or
- (ii) is liable to be reviewed on account of discovery
of any new material or evidence which was not
within the knowledge of the party or could not
be produced by him at the time the judgment was
made, despite due diligence; or
- (iii) for any other sufficient reason, construed to
mean "analogous reason".

M.D.

4

I have gone through the review application and find that it is not covered by any of the aforesaid provisions. The main plea in the original application taken by the applicant, was that the policy framed for the purpose of making transfer has not been followed by the department. It has been clearly observed in the order dated 12-04-93 that the policy framed for this purpose has no statutory force and the same cannot be enforced by the Court of law. It has been further observed that while passing the order of transfer, no arbitrariness has been done. The transfer of the public servant made on administrative ground or in public interest should not be interfered with unless there are strong grounds that the order of transfer is illegal or it was passed in violation of statutory rules or on the ground of malafides. The applicant has not been able to establish any of the grounds mentioned above to render the order of transfer illegal. I do not find any other "sufficient reason" justifying review of the judgment. Consequently the review application merits rejection and the same is hereby rejected.

29.7.93
DATED: ALLAHABAD
(VKS PS)


29.7.93
MEMBER-J
