

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

REVIEW APPLICATION 18 of 1999

In

Original Application No. 236 of 1999

Allahabad, this the 9th day of August 1999.

Coram:- Hon'ble Mr.S. Dayal, Member (A.)
Hon'ble Mr.S.K. Agarwal, Member (J.)

Birendra Kumar Shukla
s/o Sri Raj Mani Shukla,
R/O Village & Post Nibaiya,
Tahsil, Meja, Distt. Allahabad.

. . . Applicant.

Versus

Union of India and others . . . Respondents.

Counsel for the applicant:- Sri H.S. Srivastava, Adv.

Order (By Circulation)

(By Hon'ble Mr.S. Dayal, Member (A.))

This review application has been preferred to review the order passed in O.A. No. 236/99 on 12.3.99 on the grounds mentioned in this review application.

2. I have perused the order delivered in O.A. No. 236/99 dated 12.3.99 and also gave thoughtful consideration to the grounds of review as mentioned by the applicant in this review.

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)(e) is as follows:-

Section 22(3)(f):

" A Tribunal shall have, for the purposes 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 decision 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.

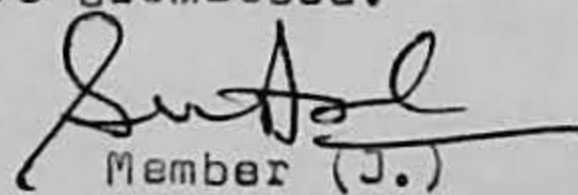
and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record,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

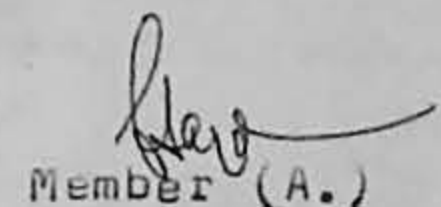
5. On the basis of the above proposition of law, it is clear that power of the review available to the Administrative Tribunal is similar to power given to civil Court under Order 47 Rule 1 of Civil Procedure

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 which the order delivered by this Tribunal dated 12.3.99 can be reviewed as submitted by the applicant.

7. Accordingly there is no reasonable basis to review the impugned order and this review application is therefore dismissed.


Member (J.)


Member (A.)

Nafees.