

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Review Application No.29 of 1999

In

ORIGINAL APPLICATION NO.273 OF 1998

Allahabad, this the 3rd day of July, 1999.

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

Amarnath Applicant

Versus

Union of India & others. Respondents

Counsel for the applicant : Shri K. K. Mishra

O R D E R (By Circulation)

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

By this review application the applicant has made a prayer to review the order of this Tribunal dated 12-5-99 passed in O.A. No. 273/98. The case of the applicant is that the said O.A. had been dismissed relying upon the decision of the Apex Court in the case of Post Graduate Institute of Medical Education and Research Vs. Faculty Association and others, ignoring the para 35 of the above judgement which was relevant to adjudicate upon the instant case. Hence prayed for review the order of this Tribunal dated 12-5-99.

2. We perused the averments made in this review application and also perused the judgement of this Tribunal dated 12/5/99.

3. 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)(f) 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;

4. 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 :

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 Court of Small Causes.

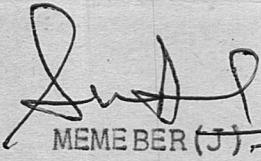
and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record,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



5. On the basis of the above preposition 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 is no error apparent on the face of record or there appears to be no basis to review the order passed by the Tribunal as per facts & circumstances of this case.

7. Therefore, this review application has no force at and is hereby dismissed.


MEMBER (J) 27/7/99


MEMBER (A)

satya/