

By Circulation

Central Administrative Tribunal,
Allahbad Bench, Allahabad.

Dated: Allahabad, This the 22nd day of February, 2000.

Coram: Hon'ble Mr. Rafiq Uddin, Member (J.)

Review Application No. 49 of 1999.

In

Original Application No. 360 of 1998.

Union of India & others. . . Applicants
(By Sri S.C. Tripathi, Adv.)

Versus

Smt. Nishat Khatoon & others . . . Respondents.

Order (By Circulation)

(By Hon'ble Mr. Rafiq Uddin, Member (J.))

This review application has been preferred by the applicants to review the order passed by this Tribunal in O.A. No. 360 of 1998 decided on 15.10.99 on the grounds mentioned in the Review Application.

2. Perused the order delivered in O.A. 360/98 dated 15.10.99 and also perused the grounds mentioned in this Review Application.

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)(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;

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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

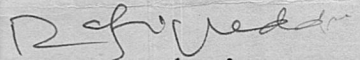
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order was passed but it has now come to his knowledge.

6. In the present case the applicant has assailed the order in question on merit and has termed the order as perverse. The application is obviously beyond the scope of review jurisdiction of this Tribunal. The applicant has not been able to point out any error apparent on the face of record. There are also no other sufficient reasons to justify the review of the order in question. The order has been passed after considering the material on record as well as the submissions advanced on behalf of the parties.

7. The Review Application is misconceived and is dismissed.


Member (J.)

Nafees.