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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 25th day of April, 2000.

Review Application no. 13 of 2000

in

Original Application no. 1188 of 1994.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Mr. M.P. Singh, Administrative Member.

Union of India &

Others

... Applicants

Shri
C/A D.S. Shukla

Versus

Dinesh Sharma

... Respondent.

C/R ...

O R D E R

Hon'ble Mr. M.P. Singh, Member-A.

This review application has been preferred by the applicants to review the order passed by this Tribunal in O.A. no. 1188 of 1994 decided on 10.12.1999 on the grounds mentioned in the Review Application.

2. Perused the order delivered in O.A. no. 1188 of 1994 dated 10.12.1999 and also

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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, interalia, 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 decision;"

4. A Civil Court's power to review its own decision under the Code of Civil Procedure Rule 1, is contained in order 47 ~~1~~, Order 47 Rule 1 provides as follows :-

"Order 47 Rule 1"

Application for review of judgment :-
(1) Any person considering himself aggrieved:-

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(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 considers 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 present case the respondents have assailed the order on the ground that the applicant did not complete 240 days continuous service either as Seasonal Khalasi or as Casual Labour in any year. But the Tribunal has miscalculated the period of his working in both the grades and decided to include the name of the applicant in the seniority list of Casual labour. The facts mentioned in the review petition are not new. The applicant was appointed both as Additional Boatman/Khalasi each year as this fact is borne out of the certificate issued by the respondents (Annexure A-3). This application is, therefore, 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 nor any new and important matter or evidence has been produced by him. There are no other sufficient reasons to justify the review of the order in question. The order has been passed after considering the material on record

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as well as the submissions advanced on behalf of the parties.

7. The Review Application is misconceived and is dismissed.

mjh
Member A

Sac cogni
Member J

/pc/