

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 31<sup>st</sup> day of May, 2000.

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

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

Review Application no. 22 of 2000

in

Original Application no. 1197 of 1996.

Jai Nand

... Applicant/  
Petitioner

C/A Shri A.K. Dave

Versus

Union of India &

Others

... Respondents.

C/R ...

O R D E R

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

This review application has been preferred by the applicant to review the order passed by this Tribunal in O.A. 1197 of 1996 decided on 28.03.2000 on the ground mentioned in the Review Application.

2. Perused the order delivered in O.A. 1197 of 1996 dated 28.03.2000 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, interalia, of reviewing its decision. 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 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

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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."

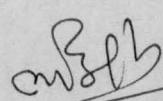
5. On the basis of above proposition of law, it is clear that power of the review available to the Administrative Tribunal is similar to power given to Civil Court under Order 47 Rule 1 of Civil Procedure Code. Therefore, any person who considers himself aggrieved by a decree or order from which an appeal is allowed but for which no appeal has been preferred, can apply for review under Order 47 Rule (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. The Review Application has been filed on the ground of non-production of record by respondents regarding Criminal Case pending before court of law. It has also been stated in the application that CBI has not filed any charge-sheet so far and no trial is pending against the applicant.

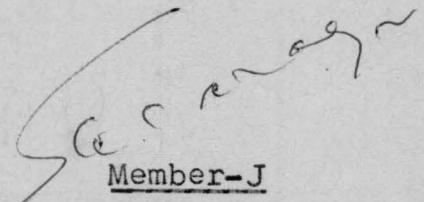
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7. It is relevant to mention here that the records relating to criminal case, as were available with the respondents, were produced before the Tribunal by the respondents. The Judgement given by this Bench was based on the facts and reasons mentioned in the record. In view of this, the Review Application is not covered under any of the grounds mentioned in para 5 above and is, obviously beyond the scope of review of this Tribunal. The order has been passed after considering the material on record as well as submissions advanced on behalf of the parties.

8. The Review Application is misconceived and is therefore, rejected.



Member-A



Member-J

/pc/