

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 6th day of *July*, 2000.

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

Review Application no. 29 of 2000.

in

Original Application No. 962 of 1997.

Smt. Pan Kunwar Devi

.....Applicant/
Petitioner

C/A Shri S.K. Mishra.

Versus

Union of India & others

.....Respondents

C/R Sri A.K. Gaur, P.K. Asthana, P.K. Asthana.

ORDER

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

1. This review application has been preferred by the applicant to review the order passed by this Tribunal in O.A. 962 of 1997 decided on 20.4.2000 on the ground mentioned in the Review Application.

2. Perused the order delivered in O.A. 962 of 1997 dated 20.4.2000 and also perused the grounds mentioned in this Review Application,

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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 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

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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 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 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 not come to his knowledge.

6. In the present case the applicant has assailed the order on the ground that the Tribunal has not decided the legal right of the applicant and has based its opinion on the ground, that there are two claimant, for appointment on compassionate grounds and both cannot be

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appointed. According to Railway master circular only widow should be given preference over the minor son (respondent no. 4) but above said fact and legal point have not been taken into consideration while pronouncing the judgement dated 20.4.2000.

7. It is relevant to mention here that the applicant has not been able to point out any error apparent on the face of record nor he has produced any new evidence. The order given by me was based on the facts and reasons mentioned in the record. 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 the submissions advanced on behalf of the parties.

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

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AM

/n.s./