

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 8th day of September, 2000

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

Review Application no. 41 of 2000

in

Original Application no. 256 of 1999

Union of India &

Others

... Applicant

C/As Sri S.C. Tripathi

Versus

Smt. Manoj Saxena

... Respondents

C/Rs ...

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. no. 256 of 1999 decided on 24.12.1999 on the ground mentioned in the Review application.

[Signature]

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2. Perused the order delivered in OA 256 of 1999 dated 24.12.1999 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 :-

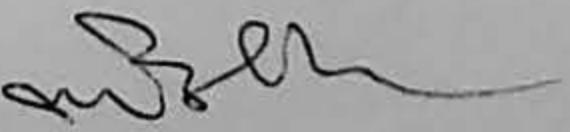
"Order 47 Rule 1 :-

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

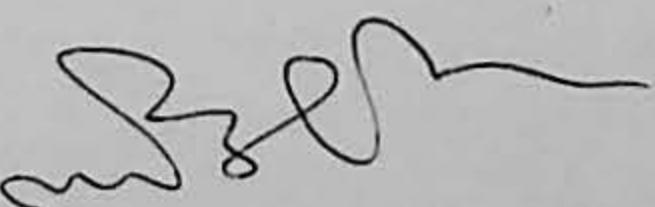


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(c) by a decision on reference from a Court of Small Causes,

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 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.

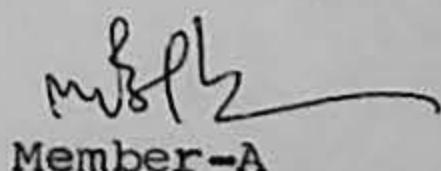


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6. Review application has been filed on the ground that no notice for cancelation of the quarter is required and it is also not required to issue any notice for recovering of the damage rent and the procedure of Public Premises Act is also not necessary in the case of unauthorised occupation of the quarter.

7. It is relevant to mention here that as per procedure mentioned above there is no error apparent on the face of record and there is no discovery of new and important matter or evidence which was not within the knowledge or could not be produced by the applicant at the time when the decree or order was passed. Judgment given by me was based on the evidence and reasons mentioned in the record. In view of the aforesaid reasons 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, dismissed.


Member-A

/pc/