

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Review Application No. 09 of 2012

In re.

Original Application No. 578 of 2005

This the 13th day of April, 2012

**Hon'ble Mr. Justice Alok K Singh, Member-J
Hon'ble Mr. S.P. Singh, Member-A**

Tribhuwan Prasad Dubey **Applicant**

By Advocate : Sri R.C. Singh

Versus.

Union of India & Others **Respondents.**

By Advocate :

O R D E R (By circulation)

By S.P. Singh, Member-A

The present Review Application has been filed against the judgment and order dated 21.12.2011 passed by this Tribunal in O.A. no. 578 of 2005.

2. The copy of judgment and order dated 21.12.2011 was obtained by the review applicant on 30.12.2011. The limitation prescribed for filing Review Application is 30 days under the relevant rules. But it has been filed on 13.4.2012 i.e. after more than 3 months which is beyond limitation as provided under Rule 17(1) of the CAT (Procedure) Rules, 1987, which reads as thus:

“Rule 17(1) : No application for review shall be entertained unless it is filed within 30 days from the date of receipt of copy of the order sought to be reviewed”.

3. We have carefully gone through the Review Application alongwith M.P. no. 956 of 2012 for condonation of delay and the order passed by this Tribunal in O.A. no. 578 of 2005 which is sought to be reviewed.

SP

4. In the case of **K. Ajit Babu Vs. Union of India & Others reported in 1997 (6) SCC 473** para-4 while examining the provisions of Section 22 (3)(f) of AT Act and Rule 17(1) of CAT (Procedure) Rules and also order under 47 Rule 1 of CPC, the Hon'ble Supreme Court has held that the right of review is available to the aggrieved person on restricted ground mentioned in order 47 of the CPC if filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted without any limitation, then no decision would be final because the decision would be subject to review at any time at the instance of the party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case for all times to come. Therefore, the public policy demands that there should be an end of legal cases.

5. As far as the scope of review is concerned, it is very limited under aforesaid relevant rules. A review can be made only when there is an error apparent on the face of record or on discovery of any new and important material which even after exercise of due diligence was not available with the applicant. Any erroneous decision and a decision which can be characterized as vitiated by 'error apparent' has been distinguished by Hon'ble Supreme Court in the case of **M/S Thugabhadra Industries Ltd. Vs. Government of Andhra Pradesh reported in AIR 1964 SC 1372** in which it was laid down that 'A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. Where without any elaborate argument, one could point to the error and say here is a substantial point of law which stares one in the face and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of record would be made out. In **2002 SCC (L&S) 756 in the case of K.G. Derasari & Another Vs. Union of India & Others**, it was observed by Hon'ble Supreme Court that any attempt except to an attempt to correct an apparent error or an attempt not based on any ground set out in order 47, would amount to an abuse of the

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liberty given to the Tribunal under the Act to review its judgment. The Tribunal cannot proceed to re-examine the matter as if it is original Application before it in the light of the ratio given in **Subhash Vs. State of Maharashtra & Others** reported in AIR 2002 SCC 2537.

6. In view of the above legal proposition, we do not find finding any merit in the delay condonation application and also in Review Application.

7. Accordingly, the delay condonation application bearing M.P. no. 956 of 2012 is dismissed and the Review Application is also dismissed.

SP Singh
18.4.2012

(S.P. Singh)
M(A)

Alok Kumar Singh

(Justice Alok K Singh) 18.4.2012
M(J)

Girish/-

oR
copy of order
dated 18-4-12
Received
19-4-12