

**Central Administrative Tribunal Lucknow Bench Lucknow**

**Review Application No. 76/2004**  
**In**  
**Original Application No. 155/96(D)**

**This, the 16<sup>th</sup> day of April, 2012.**

**Hon'ble Justice Sri Alok Kumar Singh, Member (J)**  
**Hon'ble Sri S. P. Singh, Member (A)**

1. Union of India, through General Manager, Northern Railways, Ministry of Railways, Govt. of India, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railways, Hazratganj Lucknow.
3. Additional Divisional Railway Manager Northern Railway, Hazratganj Lucknow.
4. Divisional Mechanical Engineer (T) Northern Railway, Hazratganj Lucknow.

**Applicants/Respondents**

**By Advocate Sri B. B. Tripathi holding brief for Sri Arvind Kumar.**

**Versus**

**Ram Pher, aged about 56 years, son of Sheri Ghuruah Resident of L-II-67, Loco Colony, Sultanpur.**

**Respondent/Applicant**

**By Advocate None.**

**Order(Dictated in Open Court)**

**By Hon'ble Justice Shri Alok Kumar Singh, M(J)**

This Review Application has been filed against the order passed by this Tribunal on 19.4.2004 in O.A. 155/1996. Heard and perused the written arguments which are on record.

2. The copy of judgment dated 19.4.2004 was obtained on 22.4.2004. The limitation for filing Review Application is 30 days. But it has been filed on 2.9.2004 i.e. after about 5 months which is beyond limitation as provided under Rule 17(1) of the CAT (Procedure) Rules, 1987 which reads as under:-

**"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."**

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3. In the case of *K. Ajit Babu Vs. Union of India* 1997 (6) SCC 473 -Para-4, while examining the provisions of Section 22 (3)(f) of the AT ACT and Rule 17(1) of CAT (Procedure) Rules and also order 47 Rule 1 of CPC, the Hon'ble Apex Court laid down that right of review is available to the aggrieved person on restricted ground mentioned in order 47 of the Code of Civil Procedure 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. In view of the above proposition of law, on this ground itself, this review application deserves to be dismissed.


4. The law is also settled that 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 the Hon'ble Apex Court, by bench comprising three Hon'ble judges in the case of *M/S Thungabhadra Industries Ltd. Vs. Govt. of Andhra Pradesh* reported in AIR 1964,SCC-1372 wherein, 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 fact of the record would be made out." In 2002 SCC (L&S) 756 in the case of *K.G. Derasari and another Vs. Union of India and Others*, also it was observed by the Apex Court that any attempt, except to

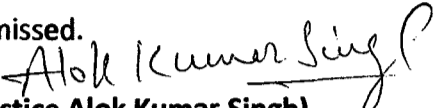
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an attempt to correct an apparent error or an attempt not based on any ground set out in order 47, would amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment. The Tribunal cannot proceed to re-examine the matter as if it is an original application before it.

5. We regret for not finding any such merit in this petition.

6. Finally, therefore this Review Application is dismissed.

  
(S.P.Singh)  
Member (A)

  
(Justice Alok Kumar Singh)  
Member (J) 18.4.12

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