

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH

Date of Order 24.1.1997

RA No. 50/96 in
OA No. 393/96.

Suresh Ojha

...Applicant.

Vs.

Union of India

...Respondent.

O R D E R
(Hon'ble Mr. N.K. Verma, Member (A))

The applicant has filed this Review Petition against the order passed on 4.9.96 by which the applicant's OA was dismissed on the ground that his LTC claim had been rejected by the competent authority. He had made further representation before the Director (Finance) who had disposed of the same with a direction to the Chief Superintendent, Central Telegraph Office to settle his legitimate claim. The applicant instead of pursuing the matter with the Chief Supdt., Central Telegraph Office had rushed to the Tribunal and hence the OA was found to be not maintainable and was dismissed at the admission stage itself.

2. He has, however, filed a Review Petition under Section 22(3)(f) of the Administrative Tribunals Act, 1985 which action does not cover his agitation at all. Under Section 22(3)(f), a Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely-

x x x x

(f) reviewing its decisions.

3. As per Order XLVII Rule 1, a Review Application

can be filed if a person is 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 a 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.

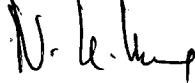
It emerges from the above that a Review Petition can only be filed when a suit has been tried by the Tribunal or if the adjudication has been done in the matter. As would be evident from the foregoing that the Application was found non maintainable and was accordingly rejected under the powers vested under Section 19(3) which states, ".....but where the Tribunal is not so satisfied it may summarily reject the application after recording its reasons." The summary rejection of the application cannot be considered to be an order or a decree against which a Review Petition would lie as per Section 22(3)(f). A 'Decree' as defined in the CPC means, "the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or

final...." An 'Order' means the formal expression of any decision of a Civil Court which is not a decree. The summary rejection of an Application under Section 19, therefore, cannot be termed to be an order or a decree against which a review would lie as no trial or adjudication ^{was} done in the matter. Maintainability of an Application is entirely to establish that it is a fit case for adjudication or trial by the Tribunal. Since it was held by me during the hearing on admission that the matter was not fit for adjudication as it was non maintainable

~~the applicant cannot prefer a review of that summary rejection.~~

4. In view of the above, the Review Application merits rejection. The Registry of Patna Bench shall also ensure that such vexatious and repetitive applications from persons not entitled to any adjudication by this Tribunal are hereafter ^{not} entertained and put up for review thereby wasting Govt. money and time.

Ordinarily I would like to have imposed cost on the applicant, but in view of the fact that this Review Petition has not been made through a legal Practitioner, I take a lenient view. Review Application is accordingly dismissed.


(N.K. VERMA)
MEMBER (A)

"MS"