

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

**REVIEW PETITION NO:23/2000
IN O.A.NO.598/1999.**

DATED THE 5th DAY OF JUNE, 2000.

Shri J.Jaganathan,
Flat -B-111, Laxmi Tower,
Anand Nagar, Navghar
Vasai (West) - 401 202
Dist.Thane (Maharashtra).

... Applicant

V/s.

1. Union of India, through
The Secretary,
Board of Control, Canteen Services,
L-1 Block, Room No.16,
Church Road,
New Delhi-110 001.

2. The General Manager,
Canteen Stores Department,
ADELPPHI 119, M.K.Road,
Mumbai - 400 020.

... Respondents.

ORDER BY CIRCULATION

The Applicant, whose OA-598/99 has been decided vide order dated 13th April, 2000, has filed this review petition under ^{Rule} ~~Section~~ 17 of the Central Administrative Tribunal Procedure Rules 1987 on 1st May, 2000.

2. The applicant has sought the review of the order on the ground that the right to health is integral to right to life and Government has constitutional obligation to provide the health facilities to the servants or retired servants, as per the decision of the Apex Court which is the law as per Article 141 of the Constitution which is to be regarded irrespective of the rules framed under Article 309 of the Constitution of India i.e. C.S.(M.A.) Rules. In view of the recommendation of the Vth

Sd/- ...2.

Central Pay Commission regarding medical facilities to retired Government servants, the acceptance and intention of the Government of India as reflected in O.M. dated 19/12/97 and 5/6/98 are to be interpreted logically and harmoniously being a welfare measure.

The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court. AIR 1963 SC 1909 Disting."

Keeping in view the above said principle the Review Application deserves to be considered.

3. The grounds as stated above for review of the order does not exist. The review cannot be a mode of rehearing or reconsidering the matter again. The order passed by this Bench has considered the contention of the applicant which are again reiterated.

P. V. M.

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4. In the result, I do not find any merit in the review petition, it is liable to be dismissed and is dismissed accordingly without notice to the opposite parties.

P.L. JAIN
(S.L. JAIN)
MEMBER(J)

28-5/6/00
Order/Judgement despatched
to Applicant/Respondent(s)
on 16/6/00

22/6/00