

CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, MUMBAI.

R.P.Nos.20/2008, 21/2008, 22/2008 & 23/2008 in
O.A.Nos.575/2001, 403/2003, 402/2003 & 407/2003.

Dated this Monday, the 2nd Day of March, 2009.

Coram : Hon'ble Shri Jog Singh, Member (J)
Hon'ble Shri Sudhakar Mishra, Member (A).

G.S. Rathore ... Applicant.

VERSUS

1. Union of India, through
The Secretary, Railway Board,
Railway Bhavan, New Delhi.
2. General Manager,
Western Railway,
Churchgate, Mumbai. ... Respondents.

TRIBUNAL'S ORDER (In circulation)
Per : Shri Sudhakar Mishra, Member (A).

These Review Petitions have been filed seeking review of this Tribunal's consolidated order dated 24.9.2008 in O.A.Nos.575/2001, 403/2003, 402/2003 and 407/2003 alongwith two other OAs filed by the petitioner herein. In these petitions the applicant makes identical prayer as under:-

"(a) The Hon'ble Tribunal be graciously pleased to review the order 24.9.2008 and set aside the same and it may be held that delay in filing OA is condoned.

(b) The OA may please be allowed on merits.

(c) The consequential benefits of holding review DPC may please be ordered."

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2. The four OAs. as mentioned earlier were dismissed in limine for being unconscionably delayed in being filed. On careful perusal of the above mentioned order dated 24.9.2008, it is seen that all relevant factual aspects brought before this Tribunal alongwith all legal submission made by the parties to the O.A. were duly taken into consideration. The factual mistake in the order as alleged by the petitioner is, not an error of omission nor any erroneous mention of facts. The petitioner, instead, would have his own analysis of facts as set out in that order as against the analysis as made in the order. The petitioner also does not point out any apparent mistake of law. Instead, he contends that the decision arrived at is erroneous in law. Such a contention is unacceptable basis for making review.

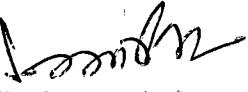
3. The Hon'ble Apex Court in Ajit Kumar Rath Vs. State of Orissa & Ors. 1999(9) Supreme 321 has held:

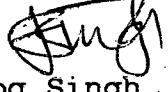
"Section 22(3)(f), indicate that the power of review available to the Tribunal is the same as has been given to a court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47. The power can be exercised on the application of a person on 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 order was made. The power can also be exercised on account of some mistake or error apparent on the fact of the record or for any other sufficient reason. A review cannot be

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claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier, that is to say, the power of review can be exercised only for correction of a patent error of law or fact which states in the face without any elaborate argument being needed for establishing it. It may be pointed out that the expression "any other sufficient reason" used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule. Any other attempt, except 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."

4. In our considered opinion there is neither any error apparent from the record nor any new fact within the meaning of Order 47 of Rule 1 of CPC is discovered. As such the grounds stated in the review petition do not come within the purview of review as provided under Section 22(3)(f) of the Administrative Tribunals Act, 1985. We find no merit in the review petition and the same ~~is~~ ^{are} dismissed. No costs.


(Sudhakar Mishra)
Member (A)


(Jog Singh)
Member (J).

H.

*order
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