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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Review Petition No.32/91,
in
Original Application No.84/90.

Smt.Saraswathi Ramachandran.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,
Hon'ble Member(J), Shri T.C.Reddy.

ORDER ON REVIEW PETITION BY CIRCULATION

(Per Shri T.C.Reddy, Member(J))

Dated: 25-7-91

This Review Petition No.32/91 under section 22(3) (f) of the Administrative Tribunals Act, 1985 is filed on 27.6.1991 for reviewing the order dt. 19.3.1991, a copy of which was sent to the applicant on 26.5.1991. After carefully considering the issues raised in the Review Petition and the facts and circumstances of the case, we see no reason why the Review Petition should not be disposed of by Circulation ~~and hence~~ in terms of Rule 17(3) of the Central Administrative Tribunals (Procedure) Rules, 1987 and accordingly we proceed to deal with and decide it.

2. Under order 47 Rule CPC a person aggrieved by a decision may apply for review on the ground of discovery of fresh material which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decision was taken or on account of some mistake or error apparent on the face of the record or for another sufficient reason. We do not find any of the grounds taken or any of the facts and contentions raised, by the applicant in this Review Petition come within the purview of Review as above mentioned. After

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going through the Review Petition, we are satisfied that in it there is no new and important matter or evidence whatsoever which, after the exercise of due diligence, was not within the applicant's knowledge or could not be produced by her at the time when the case was decided. Absolutely, we do not find any mistake apparent on the face of the order dt. 19.3.1991. In A.I.R. 1979 S.C. 1047 in Aribam Tuleshwar Sharma, v. Afibam Pishak Sharma & Ors. the Supreme Court has held that:

"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."

So the points raised in this Review Petition cannot be reconsidered. If the applicant felt aggrieved by the order passed by this Tribunal her proper forum was the Court of Appeal.

3. In this view of the matter we see no merit in the Review Petition and the Review Petition is liable to be dismissed ^{and} is accordingly dismissed. The dismissal of O.A. 84/90 by our order dt. 19.3.1991 or dismissal of this review petition shall not stand in the way of the department to consider the transfer of the applicant from Bombay to Pune at the appropriate time that would be convenient to the department keeping in mind the administrative exigencies.

T. Chandra Sekar Reddy

(T.C.REDDY)
MEMBER (J)

W. H. M.

(M.Y. PRIOLKAR)
MEMBER (A.)