

B (23)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. 69/95 in O.A. 614/91

Director General of Ordnance  
Factory, Calcutta & Anr. ... Petitioners

v/s

Shri Chandrakant Marne ... Respondent

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)  
2) Hon'ble Shri M.R. Kolhatkar, Member (A)

Tribunal's orders (by circulation) Date: 18.7.1995  
(Per: Hon'ble Shri B.S. Hegde, M(J)).

1. This Review Application has been filed by the Applicants seeking review of the judgement dated 5-8-1994 in O.A. 614/91 and we are satisfied that the R.A. can be disposed of by circulation. On perusal of the Review Application, we find that the judgement was delivered <sup>on</sup> 5-8-1994 which was received by the Applicants on 24-8-1994 and they have filed the Review Application on 18-10-1994 after a lapse of 22 days. The Petitioners have filed M.P. 506/95 seeking condonation of the delay on the ground that during the course of hearing the Tribunal had directed the Department to supply the copy of the general Transfer Order of the officials within a week. The same has not been furnished even after two weeks; accordingly, the Tribunal went ahead in pronouncing the order. The Petitioners now say that the order is ready and accordingly requested for review of the order.

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2. It is well settled that a Review Petition cannot be filed by way of an appeal and has to be strictly confined to the scope and ambit of Order 47, Rule 1 C.P.C. In connection with the limitations of the powers of the Court under Order 47, Rule 1 while dealing with similar jurisdiction available to High Court for seeking review of the orders under Art. 226, the Supreme Court in A.T. Sharma v/s H.P. Sharma A. 1979 SC 1079 has held that the power of review which includes in every Court of primary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definite limits to the exercise of powers of review. The powers of review may be exercised on the discovery of new 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 cannot be exercised on the ground that the decision was erroneous on merits, that would be the power of a Court of Appeal. A power of review is not to be confined with appellate Court to correct all manners of errors committed by the subordinate Court.

3. On perusal of the Review Application, we find that no such new facts have been brought to our notice except stating that general transfer order issued by the Petitioners is enclosed which does not change the events and the decision rendered on the basis of facts available on record.