

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order: 27.10.94.

RA 65/94 with
MA 413/94 in
OA 1077/92

RAGHUVeer SINGH RAO v/s. UNION OF INDIA & ORS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI MAHENDRA SHAH.
For the Respondents ... ---

ORDER

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

This is an application by the petitioner, Raghuvir Singh Rao, seeking a review of the order passed by a bench of this Tribunal in OA 1077/92 (197/87), filed u/s 22 (3)(f) of the Administrative Tribunals Act, 1985.

2. The grounds on which a review of the impugned decision is sought, as stated by the applicant, are that he had challenged the action of the respondents for not stepping up his pay at par with that of one Shri M.P. Tyagi and his request to that effect was turned down. A number of other persons had filed separate petitions before the Tribunal and their petitions were decided by an order of a bench of this Tribunal dated 20.7.93 in OA Nos. 1025/92 and 957/92, by which a direction was issued that, "the persons similarly situated and having identical cases for not approaching the court may be given the advantage of this decision to achieve the objective laid down in Articles 14 and 16 of the Constitution". However, the case of the present petitioner was transferred to this Bench from Jodhpur. The petitioner could not attend the case on 22.9.93 and therefore could not cite the earlier judgement rendered by a bench of this Tribunal on 20.7.93, referred to above, in which a bench of this Tribunal had taken

the view that under Rule 22-C the applicants in that case are entitled to get their pay fixed at par with their junior in the cadre of LSG w.e.f. 1.1.86 with all consequential benefits including the arrears of difference of pay. It is contended on behalf of the petitioner that since the impugned order was passed in his absence without taking into consideration the decision rendered on 20.7.93, cited supra, the impugned decision should be reviewed applying the ratio laid down in the aforesaid case as an appeal filed against that decision was dismissed by the Hon'ble Supreme Court.

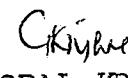
3. The sum and substance of the reasons for review stated on behalf of the petitioner are that since the orders passed in the case cited supra have attained finality after the dismissal of appeal against the same by the Hon'ble Supreme Court, the impugned order requires to be reviewed. The impugned decision was rendered after hearing the counsel for the respondents and after carefully perusing the records. All the points raised in the application by the petitioner and the respondents were duly considered and examined. The power of review can be exercised if any new and important matter or evidence is discovered which, after exercising due diligence was not within the knowledge of the petitioner or could not be produced when the decision was made. It can also be exercised on account of some mistake or error apparent on the face of the record or for any other reason analogous thereto. However, the power of review may not be exercised on the ground that the decision was erroneous on merits.

4. We do not find any mistake or error apparent on the face of the record. The decision referred to in the petition for review was rendered on 20.7.93. The petitioner did not even care to appear before this Tribunal when the impugned decision was rendered. The Hon'ble Supreme Court have held in the case Aribam Tuleshwar Sharma vs. Aribam Pishak Sharma & Ors., reported in ^{Chikhi} AIR 1979 SC 1047 that the 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. We are of the view that the grounds for review stated in this petition do not fall within the purview of Order-47 Rule-1 of the Code of Civil Procedure.

5. We, therefore, dismiss this review petition as being devoid of merit. Since the review petition has been disposed of on merits, no fresh order requires to be passed in respect of the Misc. Application for condonation of delay in filing the review application.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)