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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Review Petition No.2/99

Date of order: 20.5.1999

Gopal Ram Gaur, S/o Shri Brijendra Gaur, C/o Station Master, Agra Fort (U.P), at present employed on the post of Head Booking Clerk and Parcel Clerk at Agra Fort Railway Station, Western Railway, Kota Division.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Senior Divisional Commercial Manager (Estt), Western Railway, Kota Division, Kota.

...Respondents.

PER HON'BLE MR.RATAN PRAKASH, JUDICIAL MEMBER.

Petitioners, respondents in the O.A, have filed this review petition under Sec.22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17(2) of the Central Administrative Tribunal (Procedure) Rules, 1987 to review the order passed by this Bench in O.A No.249/98, Gopal Ram Gaur Vs. Union of India & Anr, decided on 21.1.1999. The petitioner is claiming review of the order dated 21.1.99 mainly on the ground that the Tribunal has not interpreted the relevant provision of the Railway Establishment Manual in the correct perspective.

2. At the outset, it may be stated that the power to review its own orders has been conferred upon the Tribunal under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 which is further circumscribed by Sec.114 and Order 47 Rule 1 of the Code of Civil Procedure. It is also settled law that the grounds which may be raised by way of appeal cannot be raised in review petition.

3. In the present case the petitioners are claiming through this review petition that this Tribunal should reappreciate and re-evaluate the relevant provisions of the Railway Establishment Manual which is beyond the purview of the Tribunal while exercising the powers of the review conferred upon it under the law. It has been held by Hon'ble the Supreme Court in the case of Smt.Meera Bhanja Vs. Nirmal Kumari, AIR 1995 SC 455 that reappreciating facts



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/law amounts to overstepping the jurisdiction conferred upon the Courts/Tribunal while reviewing its own decisions. In the present petition also the petitioners are trying to claim reappreciation/re-evaluation of the relevant provisions of the Railway Establishment Manual.

4. In any view of the matter, the grounds raised in this petition do not constitute an error apparent on the face of the record. The petitioners have further failed to substantiate any other ground permissible under Sec.114 read with Order 47 Rule 1 of the Code of Civil Procedure and under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the CAT (Procedure) Rules, 1987.

5. There being thus no merit in this review petition; it stands rejected.

By circulation.



(Ratan Prakash)
Judicial Member.