

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH; JAIPUR**

**Review Application No. 3/2008
in Original Application no. 18/2007**

26th May
~~April~~, 2008.

Hon'ble Mr. N.D. Raghavan, Vice Chairman.

Hon'ble Mr. R.R Bhandari, Administrative Member.

1. Teju Chalani, S/o Shri Tek Chand, ji aged 53 years, Gangman, Abu Road, R/o 2D-26 J.P. Nagar, Madar, Ajmer
2. Deepak Sharma, S/o Amar Chand aged 46 years, Gangman, Abu Road, R/o C-16, Aravalli Behar, Vzalshall Nagar, Ajmer.

Applicants/Applicants.

Rep. by Mr. N.K. Gautam : Counsel for the applicants

VERSUS

1. Union of India, through General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Ajmer.

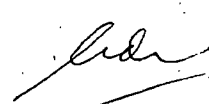
Respondents/respondents.

**ORDER
(by circulation)**

Per Mr. N.D. Raghavan , Vice Chairman (J)

This Review Application has been taken up for disposal by circulation under Rule 17 of CAT (Procedure) Rules, 1987 read with Sec. 22 (3) (f) of the A.T. Act, 1985.

2. The Applicants seek to review the order dated 01.02.2008 passed by this Division Bench of the Tribunal in O.A No. 18/2007. The grounds for reviewing are depicted in para 2 A to F of the Review Application which are not necessary to be repeated here.



Having gone through the same thoroughly, we find that they are dealt with in the Tribunal's Order Impugned herein and there is nothing new which have been left out to be dealt with. In our considered opinion, the R.A. seems to re-argue the case which is not permissible in law for reviewing an order. Unless there is mistake apparent from record, any order passed does not qualify for being reviewed. Our view is supported by many case laws being a settled proposition.

3.1 The scope of review and the powers of the Court in reviewing is dealt with in the following cases.

3.2. In **Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary** (1995) 1 SCC 170 the Hon'ble Supreme Court held that:

" The review proceedings are not by way of an appeal and have to be strictly confined to scope and ambit of Order 47 Rule 1 CPC. The Review Petition has to be entertained only on the ground of error apparent on the face of the record and not on any other ground. An error apparent on the face of record must be such an error which must strike one on mere looking at the record and would not require any long drawn process of reasoning on points where there may conceivably be two opinions. The limitation of powers of court under Order 47 Rule 1 CPC is similar to the jurisdiction available to the High Court while seeking review of the orders under Article 226. "

3.3. In **Ajit Kumar Rath vs. State of Orissa** (1999) 9 SCC 596, the Hon'ble Apex Court has laid down that:

" Power of review available to an Administrative 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 face of the record or for any other sufficient reason. A review cannot be sought merely for a fresh hearing or arguments or correction of an erroneous view taken earlier. The power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it. The expression "any other sufficient reason" used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rules.

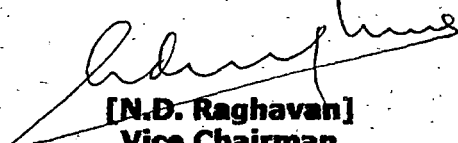
3.4. In **Union of India vs. Tarit Ranjan Das** 2004 SCC (L&S) 160, the Hon'ble Supreme Court observed that:

"The scope of review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application."

4. We find that there is no error apparent on the face of the record. There has been no important fact or evidence which could not be produced or demonstrated by the applicants when the O.A was heard nor has any such thing been left out without being discussed or dealt with by the order in the O.A impugned herein. We are, therefore, of the considered opinion that we are unable to come to ^{the aid} rescue of the applicants to hold that the R.A is maintainable.

5. In the result, the R.A is dismissed *accordingly as above.*


[R.R. Bhandari]
Administrative Member.


[N.D. Raghavan]
Vice Chairman.