

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Thursday, this the 28th day of February, 2013

Review Application No. 03/2013
(Original Application No.62/2013)

Ashes Kiran Prasad
aged 55 years
s/o late Dhanushdhar Prasad,
r/o B-504, Shatabdi Rail Vihar,
B-9/3, Sector 62,
NOIDA (UP)
At present CTO/P&S/N.W.Railway, Jaipur

... Applicant

(By Self)

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Member Traffic, Railway Board, Rail Bhawan, New Delhi.
3. Central Vigilance Commissioner, Satarkata Bhawan, A-Block, GPO Complex, INA, New Delhi.
4. Shri A.Datta, then SDGM/NF Railway, through Secretary, Railway Board, Rail Bhawan, New Delhi.
5. Mrs. Leena Sarma, then Dy. C.VO/T/NF Railway, through Secretary Railway Board, Rail Bhawan, New Delhi.
6. General Manager, North Western Railway, Jawahar Circle, Jaipur

... Respondents

(By Advocate:)

O R D E R (By Circulation)

In fact, this present Review Application has been filed by the applicant for reviewing/recalling the order dated 24.1.2013 passed in OA No.62/2013, Ashes Kiran Prasad vs. Union of India and ors. In this Review Application, the applicant has made a prayer to review the order dated 28.1.2013, but after perusal of the case file, we do not find any order dated 28.1.2013 passed in OA No.62/2013.

2. Upon perusal of the material placed on record, it reveals that the Original Application was disposed of vide order 24.1.2013, as the appeal filed by the applicant was pending consideration before the respondents and the same was not decided by the respondents. The applicant approached the Tribunal without waiting for decision on his appeal, thus, the Tribunal thought it proper to direct the respondents to expedite the matter and decide the appeal dated 3.7.2012 within a period of three months. The Tribunal could have dismissed the OA at the very threshold since the applicant has approached the Tribunal without waiting for the decision on his appeal, but in the interest of justice, to expedite the matter, directed the respondents to decide the appeal within a stipulated period.

3. We have considered the averments made by the applicant in the Review Application and we are of the view that the present Review Application is wholly misconceived. In fact, the applicant is claiming or asking for fresh hearing in the matter and also correction of the view taken by this Bench, which is not permissible under the law



due to the limited scope of review application. The Hon'ble Apex Court in the case of Ajit Kumar Rath vs. State of Orissa, reported in AIR 2000 SC 85 has held as under:-

"The power of review available to the 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 reasons. A review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier that is to say 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."


3. In view of the aforesaid, the applicant has not made out any case within the four corners of the aforesaid legal position. As already stated, the applicant's claim through this Review Application is that this Tribunal should again re-appreciate the facts and material placed on record and render a judgment on merits. This is beyond the purview of this Tribunal while exercising the powers of review conferred upon it under the law.

4. Further, the Hon'ble Apex Court in the case of Smt. Meera Bhanja vs. Nirmal Kumari, reported in AIR 1995 SC 455 observed that reappreciating facts/law amounts to overstepping the jurisdiction conferred upon the Courts/Tribunal while reviewing its own decision. In the present application also the applicant is trying to claim



reappreciation of the facts and the material placed on record which is decidedly beyond the power of review conferred upon the Tribunal and as held by Hon'ble Supreme Court.

5. In view of above legal position, we do not find any error apparent on the face of record to review the order and accordingly the Review Application is dismissed having no merits by circulation.


(ANIL KUMAR)
Admv. Member


(JUSTICE K.S.RATHORE)
Judl. Member

R/