

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of order: 03.06.2002

RA No. 7/2002 (OA No.443/2001)

1. Union of India through Secretary, Department of Atomic Energy, Anushakti Bhavan, C.S.M.Marg, Mumbai.
2. Director, Atomic Minerals Directorate for exploration and Research, AMD, Complex, Begumpet, Hyderabad.
3. Regional Director, Western Region (earlier called as North Western Region), Atomic Minerals Directorate for Exploration and Research, Jaipur.

.. Respondents/applicants

Versus

1. S.K.Sharma s/o late Shri Jaishraj Sharma r/o 57, Ghanshayam Vihar, Vaishali Marg, P.O., Meenawala, Jaipur.

.. Applicant/respondent

Mr. Bhanwar Bagri - counsel for respondents/applicants.

ORDER

This review application has been filed by the respondents in the OA to recall/review the order of this Tribunal dated 28.3.2002 passed in OA No.443/2001, S.K.Sharma v. Union of India and ors., on several grounds contained in this review application.

2. Vide order dated 28.3.2002, this Tribunal allowed the OA by quashing the chargesheet dated 28.6.95 and directing the respondents to pay the applicant all retiral benefits within a period of six months from the date of the order, failing which the applicant shall be entitled

to interest at the rate of 9.5% per annum till such benefits are actually paid.

3. We have perused the averments made and grounds taken in this review application and also the order of this Tribunal dated 28.3.2002.

3.1. The Hon'ble Supreme Court in the case of Ajit Kumar Rath v. State of Orissa and ors., JT 1999 (8) SC 578 has held :-

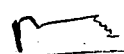
"Power of review available to the Tribunal is the same as has been given to a court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47. The power can be exercised on the application of a person on the discovery of new and important 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 reason. 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. It may be pointed out that the expression "any other sufficient reason" used in Order 47 Rule 1 means a

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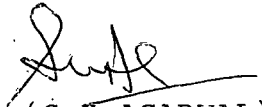
reason sufficiently analogous to those specified in the rule."

3.2 Having carefully perused the record and keeping in view the judgment of the Hon'ble Apex Court (supra), we are of the view that there is no basis to review the order dated 28.3.2002 passed in OA No. 443/2001.

4. We, therefore, dismiss this Review Application having no merits at the circulation stage.


(H.O. GUPTA)

Member (Administrative)


(S.K. AGARWAL)

Member (Judicial)