

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 12<sup>th</sup> day of April, 2012

REVIEW APPLICATION No. 7/2012  
(Original Application No.182/2011)

Mool Chand Rathi  
s/o Shri Jodha Ram,  
r/o III/57, A.G.Colony,  
Bajaj Nagar, Jaipur,  
at present posted under transfer as  
Sr. Accountant to work as  
Divisional Accountant in the  
Office of Executive Engineer,  
PWD Dn. Mangrol, District Baran  
on transfer on the way of deputation.

.. Applicant

(By Advocate: Shri Vinod Goyal)

Versus

1. Union of India  
Through the Principal Accountant General  
(Civil Audit),  
Janapath,  
Jaipur
2. Senior Audit Officer (GD-II)  
C/o Office of Principal Accountant General  
(Civil Audit), Rajasthan, Janapath,  
Jaipur
3. Estate Officer  
c/o Office of Principal Accountant General  
(Civil Audit),  
Rajasthan, Janapath,  
Jaipur

.. Respondents

(By Advocate: .....)

ORDER (By Circulation)

The present Review Application has been filed by the applicant for reviewing/recalling the order dated 27.3.2012 passed in the OA No.182/2011, Mool Chand Rathi vs. Union of India and ors.

2. I have perused the averments made in the Review Application and I am of the view that there is no merit in this Review Application.

3. The law on this point is already settled and the Hon'ble Apex Court has categorically held that the matter cannot be heard on merit in the guise of power of review and further if the order or decision is wrong, the same cannot be corrected in the guise of power of review. What is the scope of Review Petition and under what circumstance such power can be exercised was considered by the Hon'ble Apex Court in the case of Ajit Kumar Rath Vs. State of Orissa, reported in (1999) 9 SCC 596 wherein the Apex Court has held as under:

“The power of the Tribunal to review its judgment is the same as has been given to court under Section 114 or under Order 47 Rule 1 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47 Rule 1 CPC. 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 of fact or error apparent on the face of 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 fact without any elaborate argument being needed for establishing it. It may be pointed out that the expression 'any other sufficient reason' used in Order XL VII Rule 1 CPC means a reason sufficiently analogous to those specified in the rule".

4. In view of the ratio decided by the Hon'ble Apex Court, as aforesaid, the applicant has not made out a case for reviewing/recalling the order dated 27.3.2012 passed in OA No. 182/2011. Accordingly, the Review Application fails and the same is hereby dismissed by circulation.



(JUSTICE K.S.RATHORE)  
Judl. Member

R/