IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A.No.8/2002 Date of order:03.06.2002

Chhagan Lal Samaria, S/o Shri Panna Lal, R/o B-43, Vijay Nagar-II, Kartarpura, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary, Deptt of Post & Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Sr.Superintendent of Post Office, Jaipur City, Jaipur.
4. Union of India through Secretary, Deptt.of Personnel & Training, New Delhi.

...Respondents.

Mr.Manish Bhandari : Counsel for the applicant.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

This review application has been filed to recall/review the order of this Tribunal dated 30.1.2002 passed in O.A No.207/2001, Chhagan Lal Samaria Vs. Union of India & Ors.

2. The applicant has also filed M.A No.182/02 for condonation of delay in filing the Review Application. We have perused the M.A and in view of the reasons mentioned in the M.A, we condone the delay if any for filing the Review Application.

3. Vide order dated 30.1.2002, this Tribunal dismissed the O.A having no merits.

4. We have perused the averments made in this review application and also perused the order delivered by this Tribunal dated 30.1.2002 in O.A No.207/2001.

5. The main contention of the learned counsel for the applicant in this application is that the Tribunal had wrongly

reached to the conclusion and the entire facts enumerated in the O.A have not been considered.

6. Sec.22(3) of the Administrative Tribunals Act, 1985 confers on Administrative Tribunal discharging the functions under the Act, the same powers as are vested in a Civil Court under the Code of Civil Procedure while trying a suit in respect inter alia of reviewing its decisions.

7. A Civil Court's power to review its own decision under the Code of Civil Procedure is contained in Order 47 Rule 1.

8. On the basis of the above proposition of law, it is clear that power of review available to the Administrative Tribunal is similar to power given to civil court under Order 47 Rule 1 of Civil Procedure Code, therefore, any person who consider himself aggrieved by a decree or order from which an appeal is allowed but from which no appeal has been preferred, can apply for review under Order 47 Rule 1(a) on the ground that there is an error apparent on the face of the record or from the discovery of new and important matter or evidence which after the exercise of due deligence was not within his knowledge or could not be produced by him at the time when the decree or order was passed but it has now come to his knowledge.

9. What the petitioner is claiming through this review application is that this Tribunal should reappreciate the facts and material on record. This is beyond the purview of this Tribunal while exercising the powers of the review conferred upon it under the law. It has been held by Hon'ble Supreme Court in the case of Smt.Meera Bhanja Vs. Nirmal Kumari, AIR 1995 SC 455 that reappreciating facts/law amounts to overstepping the jurisdiction conferred upon the Courts/ Tribunal while reviewing its own decisions. In the present

application also the applicant is trying to claim reappreciation of facts and material on record which is decidedly beyond the power of review conferred upon the Tribunal and as held by Hon'ble Supreme Court.

10. It has also been observed by Hon'ble Supreme Court in Ajit Kumar Rath Vs. State of Orissa & Ors, JT 1999(8) SC 578, that 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 reason sufficiently analogous to those specified in the rule.

11. We have given anxious consideration to the contentions raised by the learned counsel for the applicant in the review application and also perused the order dated 30.1.2002 passed in O.A No.207/2001 and the whole case file thoroughly. We have also given anxious consideration to paras 5 & 6 of the order and we see that detailed reasons are also given why it was equitable to give such direction and we do not find any error apparent on the face of the record and no new important fact or evidence has come into the notice of this Tribunal on the basis of which the order passed by the Tribunal can be reviewed.

12. In view of the above and the facts and circumstances of this case, we do not find any error apparent on the face of the record to review the impugned order and therefore, there is no basis to review the above order.

13. We, therefore, dismiss the review application having no merits.

(H.O.Gupta)
Member (A)

(S.K.Agarwal)
Member (J).