

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Date of Order: *26.8.2013*

**REVIEW APPLICATION NO. 09/2013
in
MISC. APPLICATION NO. 164/2013
(ORIGINAL APPLICATION NO. 62/2013)**

Ashes Kiran Prasad S/o late Dhanushdhar Prasad, aged 55 years, R/o B-504, Shatabdi Rail Vihar: B-9/4, Sector-62: NOIDA (U.P.) - 201309, At present posted as CTO/P&S, N-W Railway, Jaipur.

.. Applicant
(By Advocate: Self)

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi - 110001.
2. Member Traffic, Railway Board, Rail Bhawan, New Delhi - 110001.
3. Shri A. Datta, then SDGM/NF Railway, through Secretary, Railway Board, Rail Bhawan, New Delhi - 110001.
4. Mrs. Leena Sarma, then Dy. CVO/T/NF Railway, through Secretary, Railway Board, Rail Bhawan, New Delhi - 110001.
5. General Manager, North-Western Railway, Jawahar Circle, Jaipur - 302017.

.. Respondents

(By Advocate: ..)

ORDER (By Circulation)

The present Review Application has been filed by the applicant in OA No. 62/2013 (Ashes Kiran Prasad vs. Union of India & Ors.) for reviewing the order dated 10.07.2013 passed by this Bench of the Tribunal in MA No. 164/2013 (OA No. 62/2013).

2. Vide order dated 24.01.2013 in OA No. 62/2013, this Bench of the Tribunal had directed the respondents to decide the appeal filed by the applicant dated 03.07.2012 expeditiously in accordance with the provision of law but in any case not beyond

Anil Kumar

the period of three months from the date of receipt of a copy of that order. Admittedly, the order dated 24.01.2013 was received by the respondents on 28.01.2013. Thus, the period of three months given by the Tribunal to the respondents to comply with the order was over on 28.04.2013.

3. Thereafter, the respondents moved a Misc. Application No. 164/2013 in OA No. 62/2013 on 08.05.2013 praying for extension of further four months' time to comply with the directions issued by this Tribunal vide order dated 24.01.2013 in OA No. 62/2013.

4. Since the matter pertains to Division Bench and Division Bench was not available at the time of filing of the Misc. Application, therefore, the Misc. Application was listed for hearing before the Bench as soon as the Division Bench was formed. As such, the Misc. Application came up for consideration before the Division Bench on 10.07.2013.

5. In the Misc. Application, the respondents prayed for extension of further four months' time to comply with the directions issued by this Tribunal vide order dated 24.01.2013 in OA No. 62/2013. *However, vide order dated 10.07.2013 in MA No. 164/2013, the Tribunal granted further three months' time to the respondents to comply with the Tribunal's order dated 24.01.2013 passed in OA No. 62/2013.*

6. Thus, from the perusal of the order dated 10.07.2013 in MA No. 164/2013, we are of the considered opinion that there is

Anil Seemar

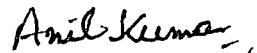
no patent error of law or fact on the face of record, which can be corrected at this stage, therefore, the Review Application has no merit and deserves to be dismissed.

7. Further, the present Review Application is wholly misconceived due to the limited scope of review application provided under the law. 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."

8. In view of the above 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.


(S.K. KAUSHIK)
JUDICIAL MEMBER


(ANIL KUMAR)
ADMINISTRATIVE MEMBER