IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 31st day of May, 2012

Review Application No. 09/2012
in
(Original Application No. 309/2009)

1. Purshottam Soni son of Late Shri Jagannath Soni aged about 53 years, working as Senior Khalasi, Phulera, scale Rs.5200-20200, pay band 1800, resident of 392 D AEN Colony, Phulera.
2. Amar Singh Yadav son of Shri Rajendra Singh Yadav, aged about 46 years, working as Senior Khalasi, Phulera, scale Rs.5200-20200 pay band 1800, resident of A-24, D.K. Nagar, Khatipura Road, Jhotwara, Jaipur.

... Applicant

Versus

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. Divisional Railway Manager, North Western Railway, Jaipur.
3. Shakti Prakash son of Shri Badri Lal Sharma, working as Senior Khalasi, under T.W.S. Jaipur, North Western Railway, Jaipur.
4. Sharwan Lal son of Shri Nand Lal working as P.F.P. under S.S. Kachera, North Western Railway, Jaipur.

... Respondents

O R D E R (By Circulation)

The present Review Application has been filed for reviewing/recalling the order dated 26.04.2012 passed in OA No.

Anil Kumar

309/2009, Purshottam Soni & Another vs. Union of India & others.

2. We have perused the averments made in the Review Application and we are 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, (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

Anil Kumar

> 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 law laid down by the Hon'ble Apex Court, We find no merit in this Review Application and the same is accordingly dismissed by circulation.

Anil Kumar
(Anil Kumar)
Member (A)

K.S. Rathore
(Justice K.S.Rathore)
Member (J)

AHQ