

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 3rd day of January, 2013

Review Application No. 01/2013
(Transferred Application No.17/2011)

National Institute of Ayurveda
through its Director,
Madhav Vilas Palace,
Amer Road,
Jaipur

.....applicant

(By Advocate: Shri M.D.Agarwal)

Versus

1. Dr. Mohan Shankar Dashora
s/o Shri D.R. DASHORA
r/o House No.C-97, Chomu House,
Jagan Path, Jaipur

..... respondents

2. President Governing Body,
National Institute of Ayurveda,
Jaipur and Minister of Health & FW (ISM),
through Secretary to Government of India,
Department of AYUSH, AYUSH Bhawan,
B-Block, GPO Complex,
INA, New Delhi.
3. Government of India
through its Secretary,
Department of AYUSH, AYUSH Bhawan,
B-Block, GPO Complex,
INA, New Delhi.,

.....Performa respondents

(By Advocate:)

O R D E R (By Circulation)

The present Review Application has been filed by the respondent No.3 in TA No. 17/2011 praying for reviewing/recalling the order dated 30th November, 2012 passed in the case of Dr. Mohan Shankar Dashora vs. Union of India and ors.

2. We have perused the grounds taken and the averments made in this Review Application. The main ground taken by the applicant in this Review Application is that the submissions made on behalf of the National Ayurveda Institute have not been considered by the Tribunal before coming to the conclusion, which, in our view, is not sustainable. This Tribunal after hearing the respective parties and after perusal of the entire material available on record and the relevant provisions of rules came to the conclusion, which cannot be said to be an error apparent on the face of record or afford a ground to the review applicant for reviewing the order passed. Therefore, in view of the limited scope of review provided under law, the review applicant has not made out a case for reviewing the order dated 30.11.2012 passed in TA No.17/2011 and the Review Application is misconceived.

3. 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 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. Further, the Hon'ble Apex Court in the case of Smt. Meera Bhanja vs. Nirmal Kumari, reported in AIR 1995 SC 455 observed that reappreciating facts/law amounts to overstepping the jurisdiction conferred upon the Courts/Tribunal while reviewing its own decision. In the present application also the applicant is trying to claim reappreciation of facts and the material placed on record, which is decidedly beyond the power of review conferred upon the Tribunal as held by Hon'ble Supreme Court.

5. Having considered the matter on merit as per the ratio decided by the Hon'ble Apex Court (cited supra), we are of the considered view that the Review Application has no merit and the same deserves to be dismissed in limine. Consequently, the Review Application is dismissed by circulation.


(ANIL KUMAR)
Admv. Member


(JUSTICE K.S.RATHORE)
Judl. Member

R/