

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 13th day of December, 2007

RA No.10/2007 (OA No.498/2002)

Radhey Shyam Verma
s/o Shri Lallu Ram Verma
r/o 77/169, Mansarovar, Jaipur

.. Applicant

(By Advocate: Shri Pradeep Asthana)

Versus

1. Union of India through Secretary to the Government of India, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The central Board of Direct Taxes represented by its Chairman, Ministry of Finance, New Delhi,
3. The Chief Commissioner of Income Tax, New Central Revenue Building, Statue Circle, Jaipur
4. Ram Kishan Bairwa s/o Shri G.Ram, Income Tax Inspector, presently posted at Jaipur.
5. Hemant Kumar Jonwal s/o Shri Devi Narayan Jonwal, Income Tax Inspector, presently posted at Income Tax Office, Bhilwara (Raj.)
6. Department of Personnel and Training through its Secretary, Government of India, New Delhi.

.. Respondents

ORDER (By Circulation)

The applicant has filed this Review Application for reviewing the judgment dated 2.11.2007 passed in OA No. 498/2002. The review is sought solely on the

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ground that this Tribunal has not decided the issue regarding cut-off date for determination of vacancy correctly. In nutshell, the applicant ~~why~~ way of this Review Application is challenging correctness of the judgment on merit on the ground that the issue of cut-off date has been erroneously decided by this Tribunal. According to us, it is not the scope of Review Application.

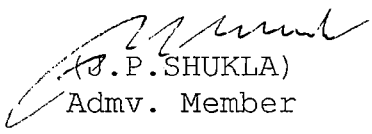
2. Power of Review available to the Tribunal is the same as has been given to a court under Section 114 read with Order 47 of the Code of Civil Procedure. The power is not absolute and is hedged in by the restrictions indicated in Order 47. This power can be exercised on the application of a person on 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 passed. 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.

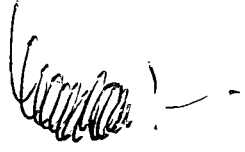
3. It may be stated that expression 'any other sufficient reason' used in Order 47 Rule 1 means a reason sufficient analogous to those specified in the rule. Any other attempt, except an attempt to correct an apparent error or an attempt not based on any ground set out in Order 47 would amount to abuse of the liberty given to the Tribunal under the Act to

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review its judgments. As already stated, it is not a case of that nature. The applicant is claiming review merely for a fresh hearing of the case as this Tribunal has taken an erroneous view in the matter, which is not permissible in law. In case, this Tribunal has taken erroneous view, the remedy lies elsewhere and not invoking the power of review. 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 or where the applicant has discovered 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.

4. Thus according to us, the present Review Application is misconceived and outside the scope of Section 114 read with Order 47 CPC, as such, the same is dismissed by circulation.


(J.P. SHUKLA)
Admv. Member


(M.L. CHAUHAN)
Judl. Member

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