IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A No.11/2000 Date of order: 8.5.2000

K.C.Misra, S/o late Shri B.N.Mistra, R/o 29 - Behind Unique Public School, Shanti Nagar, Hasanpura, Jaipur.

...Applicant.

Vs.

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, New Delhi.
3. General Manager(Personnel) Northern Railway, New Delhi.
4. Financial Advisor & Chief Accounts Officer, Northern Rly, Baroda House, New Delhi.

...Respondent.

Mr.N.C.Goyal : Counsel for 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 31.3.2000 passed in O.A No,51/95, K.C.Mishra Vs. U.O.I & Ors.

2. Vide order dated 31.3.2000 this Tribunal allowed the O.A filed by the applicant with no order as to costs.

3. We have perused the averments made in this Review Application and also perused the judgment delivered by this Tribunal dated 31.3.2000 in O.A No.51//95.

4. The main contention of the learned counsel for the applicant in this Review Application has been that the Tribunal has not appreciated the prayer of the applicant to the correct perspective to the effect that 'the respondents deprived the applicant by not awarding the salary for May 1991 vide their order dated 29.9.92'. Whereas the prayer of the applicant in the O.A has been that 'the order dt 23 May may kindly be quashed and set aside and the same may be declared against the existing provisions of the railway rules. The respondent be further directed to provide all the benefits including salary, incentive and advance increments with effect from 1991 due to higher qualifications with interest to the applicant.'

5. Section 22(3) of the Administrative Tribunal Act, 1985 confers on an 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. Sec.22(3)(f) is as under:

"Sec.22(3)(f):

> A Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matter, namely

(f) reviewing its decisions;"

6. A Civil Court's power to review its own decision under the Code of Civil Procedure is contained in Order 47 Rule 1, Order 47 Rule 1 provides as follows:

> "Order 47 Rule 1:
> Application for review of judgment:
> (1) Any person considering himself aggrieved:
> (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.
> (b) by a decree or order from which no appeal is allowed, or
> (c) by a decision on reference from a Court of Small Causes and who, 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 was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the court which passed the decree or made the order."

7. On the basis of the above proposition of law, it is clear that power of the 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.

8. What the petitioner is claiming through this review petition 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 petition also the petitioner is trying to claim reappreication of the 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.

9. It has been observed by the Hon'ble Supreme Court in a recent judgment 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.

10. In the instant case, on the perusal of the order delivered and also the record as a whole, we are of the considered opinion that there is no 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.

11. 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.

12. We, therefore, dismiss this review application having no merits.

(N.P.Nawani)
Member (A).

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