

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

REVIEW APPLICATION NO. 291/00013/2014
IN
ORIGINAL APPLICATION No. 43/2013

DATE OF ORDER : 14.7.2014

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISITRATIVE MEMBER
HON'BLE MR. A.J. ROHEE, JUDICIAL MEMBER

Ram Prasad Meena son of Shri S.L. Meena, aged about 46 years, By caste Meena, working as Presenting Officer, Railway Claims Tribunal, Jaipur. resident of Village & Post Dhigawara, Tehsil Rajgarh, District Alwar (Rajasthan).

... Applicant

Versus

1. Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, North Western Railway, Jaipur.

... Respondents

ORDER (CIRCULATION)

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The applicant has filed this Review Application against the order dated 17.12.2013 passed in OA No. 43/2013. The applicant has stated in his Review Application that he was not given promotion in JA Grade as the DPC convened on 19.02.2008 and 20.01.2009 did not find the applicant fit for empanelment. This fact was informed by the respondents in their reply to the OA. However, why the DPC declared the applicant unfit was not stated by the respondents. The applicant received an information under RTI Act, therein he was informed that his ACRs were good enough for promotion but because of the punishment order, the DPC declared him unfit. The DPC could not have declared the applicant unfit for

Anil Kumar

the punishment order passed in 2007. The service record of the applicant for the different years was either 'Very Good' or 'Outstanding'.

2. The applicant has also stated that for the selection grade, the criteria was minimum qualifying service. After giving the applicant JA grade and after completion of minimum services, the applicant could not have been declined selection grade.

3. The applicant has also stated that he is a layman and he argued his case at his own, so he did not place on record the copy of the information provided under RTI Act and, therefore, the order passed by the Tribunal dated 17.12.2013 needs a review.

4. That the applicant filed the Writ Petition before the Hon'ble High Court and the applicant withdrew his Writ Petition with liberty to file a Review Application before the Central Administrative Tribunal, Jaipur Bench.

5. We have carefully gone through the Review Application and the documents filed alongwith the Review Application. It is not disputed that the information with regards to the grounds for not promoting the applicant to JA Grade and SA Grade were supplied to him by the respondents on 14.03.2012 and 18.02.2013 (Annexure RA/2). This Tribunal heard the OA on 13.12.2013 and pronounced its order on 17.12.2013. Thus it is clear that the applicant had the required information with him much before the OA was heard and order was passed. In fact one information is dated 14.03.2012

Anil Kumar

which is prior even to filing of the OA. OA was filed on 11.01.2013. It was his duty to produce the documents, which was in his possession before the Tribunal. Thus we find that there is no error either of facts or of law in the order dated 17.12.2013. Therefore, the Review Application has no merit.

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

7. 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:

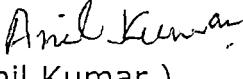
"The power of the Tribunal to review its judgment is the same as has been given to court under Section 114 or under Order 47 Rule 1 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47 Rule 1 CPC. The power can be exercised on the application of a person on the discovery 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 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".

8. We do not find any patent error of law or facts in the order dated order dated 17.12.2013 passed in the OA No. 43/2013 (Ram Prasad Meena vs. Union of India & Others). Therefore, in view of the law down by the Hon'ble Apex Court, we find no merit in this Review Application and consequently the same is dismissed.


(A.J. Rohee)
Member (J)


(Anil Kumar)
Member (A).

AHQ