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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

R.A.No.13/97 in OA No.350/96

Date of order: 6-6-97

Smt. Laxmi Devi

: Review petitioner

Versus

Union of India and another

: Respondents

O R D E R

PER HON'BLE SHRI RATAU PEAKASH:

Smt. Laxmi Devi who has been applicant in OA No.350/96, (Smt. Laxmi Devi Vs. Union of India and another), has filed this review petition under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 to review the order dated 19.2.1997 passed in the O.A. The main ground taken by the review petitioner, in this petition relates to not bringing to the notice of the Tribunal a judgment of Hon'ble the Supreme Court in the case of Prabhawati Devi Vs. Union of India and others, 1996 SC (Lab. & I.C) 762 (1996 (1) SLP 28) and other judgments of this Tribunal viz., Smt. Kamlesh Gupta Vs. Union of India in OA No.410/94 decided on 11.4.1996; Smt. Nehni Bai Vs. Union of India in OA No.299/92 decided on 14.9.1994 and some other judgments of the Rajasthan and Himachal Pradesh High Courts.

2. This Tribunal vide its order dated 19.2.1997 while deciding the OA No.350/96 has dismissed the OA relying upon the judgments of Hon'ble the Supreme Court in the case of Union of India and others Vs. Sukanti and another in Civil Appeal No.9824/96 arising out of SLP No.3351/93 and its another decision in Civil Appeal No.9871/96 arising out of SLP No.1095/95 Union of India and another Vs. Smt. Mangli Devi, decided on 30.7.1996.

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3. It has, therefore, to be seen whether omission to bring a decision of a Court before disposal of the OA can be a valid ground for review of its own order by the Tribunal/Court. It is settled law that the power of the Court/Tribunal to review its order is governed by Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the C.A.T.(Procedure) Rules, 1987 and is further circumscribed by Section 114 read with Order 47 Rule 1 of the Code of Civil Procedure. It is also undisputed that the grounds which can be raised by way of an appeal before the Appellate Court cannot be the subject matter of a review petition. Hon'ble the Supreme Court has held in the case of The Keshav Mills Company Limited Vs. Commissioner of Income Tax, Bombay (North), 1995 (3) SC 626 that:

"More reasonableness of the alternative view which is pressed on subsequent occasion need not necessarily be an adequate reason for review of the earlier decision."

Further, recently it has also been held by Hon'ble the Supreme Court in the case of Sri Dokka Samuel V. Dr. Jacob Lazarus Chellly, JT 1997(4) SC 306 that:

"The omission to cite an authority of law is not a ground for reviewing the prior judgment saying that there is an error apparent on the face of the record, since the counsel has committed an error in not bringing to the notice of the Court the relevant precedents."

4. In the instant review petition also the petitioner is claiming the review of the order of this Tribunal dated 19.2.1997 on the ground that a judgment of Hon'ble the Supreme Court in the case of Smt. Prabhawati Devi could not be brought to the notice of the Tribunal before the disposal

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of the OA as the counsel for the applicant was not available on the date of final hearing of the application.

5. The law as declared by Hon'ble the Supreme Court in the case of The Keshav Mills Company Limited (supra) and Sri Dokka Samuel V. Dr. Jacob Lazarus Cehlly (JT 1997 (4) SC, 306) is explicit and does not leave any ground of doubt in such matters. However, on facts of the instant petition, it may be stated that the judgment of Hon'ble the Supreme Court in the case of Prabhawati Devi Vs. Union of India and others was delivered on 16.11.1995, whereas the judgments of Hon'ble the Supreme Court in the case of Union of India and others Vs. Sukanti and another and Union of India and others Vs. Smt. Mangli Devi (referred to above) were delivered on 30.7.1996; i.e. subsequent to the decision in Prabhawati's case. The O.A. of the review petitioner was accordingly disposed of on the basis of the latest law laid down by Hon'ble the Supreme Court in the aforementioned two cases decided on 30.7.1996.

6. It is thus unquestionable that, neither more reasonableness of the alternative view, nor an omission to cite an authority of law, can be made a basis for review of the order passed in the OA classifying it as 'an error apparent on the face of the record'. The petitioner has failed to substantiate any other ground on which review petition can succeed.

7. Consequently, the review petition has no merit and is rejected.


(RATAN PRAKASH)

MEMBER (JUDICIAL)