

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR

Date of order: 03.06.2002

RA No. 13/2002 (OA No.89/2000)

Union of India through Ministry of Finance, Department of Economic Affairs, North Block, Central Secretariat, New Delhi.

.. Respondent/applicant

Versus

K.K.Sharma s/o Shri Ram Saran Das, r/o A-27, Shriniwas, Kantichandra Road, Bani Park, Jaipur

.. Applicant/respondent

Mr. R.V.Sinha - counsel for respondent/applicant.

ORDER

This review application has been filed by the respondent in the OA to recall/review the order of this Tribunal dated 31.1.2002 passed in OA No.89/2000, K.K.Sharma v. Union of India, on several grounds contained in this review application.

2. Vide order dated 31.1.2002, this Tribunal allowed the OA by directing the respondent that in case Shri J.N.Tandon was promoted to the next higher grade of Grade IV of IES earlier to the date of promotion of the applicant to this higher grade, if any, or earlier to the date of his superannuation of the applicant, in that event, the applicant shall also be considered for promotion to that next higher grade only from the same date from which Shri J.N.Tandon was so promoted and in case he is found suitable by the review D.P.C., he shall be so promoted notionally. His pay shall be notionally

fixed and consequently his retiral benefits shall be refixed. However, the applicant shall not be entitled for arrears of pay and allowances till his retirement, but he shall be entitled to the arrears of all the retiral benefits. The above order was to be implemented by the respondents within four months from the date of receipt of the order.

3. We have perused the averments made and grounds taken in this review application and also the order of this Tribunal dated 31.1.2002.

3.1. The Hon'ble Supreme Court in the case of Ajit Kumar Rath v. State of Orissa and ors., JT 1999 (8) SC 578 has held:-

"Power of review available to the Tribunal is the same as has been given to a court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47. 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 or error apparent on the face of the 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.

D

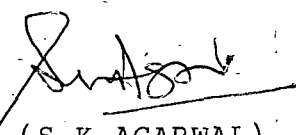
which stares in the face without any elaborate argument being needed for establishing it. It may be pointed out that the expression "any other sufficient reason" used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule."

3.2. Having carefully perused the record and keeping in view the judgment of the Hon'ble Apex Court (supra), we are of the view that there is no basis to review the order dated 31.1.2002 passed in OA No.89/2000.

4. We, therefore, dismiss this Review Application having no merits at the circulation stage.

  
(H.O.GUPTA)

Member (Administrative)

  
(S.K.AGARWAL)

Member (Judicial)