

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A.No.14/2000

Date of order: 27/6/2000

Smt.Gulab Devi, W/o late Shri Sitaram Vijay, R/o 46, Paltan Bazar, Ajmer.

...Applicant.

Vs.

2. The Union of India through General Manager, Western Railway, Mumbai.
2. The Divisional. Rly. Manager, W.Rly, Ajmer.

...Respondents.

Mr.W.Wales - 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 9.5.2000 passed in O.A No.573/96, Smt. Gulab Devi Vs. U.O.I & Anr.

2. Vide order dated 9.5.2000, this Tribunal has dismissed the O.A filed by the applicant with no order as to costs.
3. We have perused the averments made in the review application and also perused the judgment delivered by this Tribunal dated 9.5.2000 in O.A No.573/96.
4. The main contention of the applicant in the review application has been that the Tribunal has erred in so far as the question for the payment of exgratia pension is concerned.
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:

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

(i) 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:

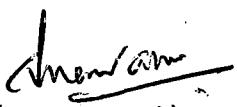
- (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.
- (b) by a decree or order from which no appeal is allowed, or

(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 diligence 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 diligence 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. In this Review petition the main contention of the learned counsel for the applicant has been that the applicant is not receiving any ex-gratia pension which has been mentioned in the impugned order dated 9.5.2000. In the impugned order dated 9.5.2000 it has been mentioned that the applicant is receiving exgratia pension after the death of her husband. It appears that this fact has been erroneously mentioned in the impugned order that the applicant was receiving ex-gratia pension after the death of her husband. Even if the applicant was not receiving any exgratia after the death of her husband does not make any difference and the claim of the applicant is not maintainable on account of delay and latches for which detailed reasons have been given in the order.

9. We, therefore accept the review application to the extent that "the applicant is receiving exgratia pension after the death of her husband" be deleted from the order dated 9.5.2000 at page No.2 and 4.

  
(N.P.Nawani)

Member (A).

  
(S.K.Agarwal)

Member (J).