

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Review Application No. 14/2012
(In
Original Application No. 181/2009)
With
Misc. Application No. 269/2012

Date of Order: 21st August, 2012

Padam Chand S/o Shri Gopi Lal Ji, aged about 52 years,
R/o Opposite Murga Farm, House No. 472, Dadawara, Kota
Jn. Kota (Raj.) at present working as Gangman, under
Section Engineer (P.Way), Maheedpur Road, Western
Railway, Kota.

... Applicant

(By Advocate:)

Versus

1. Union of India through the General Manager, West Central Zone, West Central Railway, Jabalpur (M.P.).
2. Senior Divisional Personnel Officer, West Central Railway, Kota Division, Kota.
3. Senior Divisional Mechanical Engineer (S), West Central Railway, Kota Division, Kota.
4. Assistant Mechanical engineer, West Central Railway, Kota Division, Kota.

... Respondents

(By Advocate: Shri Anupam Agarwal)

O R D E R (By Circulation)

The present Review Application has been filed by the respondents in OA for reviewing/recalling the order dated 10th January, 2012 passed in OA No. 181/2009, Padam Chand vs. Union of India and Ors.

2. Upon perusal of the material placed on record, it reveals that the Original Application was decided on 10.01.2012 and the present Review Application has been filed by the respondents in OA on 16.08.2012 i.e. after a lapse of more than seven months.

Anil Kumar

As per clause (1) of Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, it is provided that no application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

3. The respondents in OA have also filed a Misc. Application No. 269/2012 for condonation of delay in filing the present Review Application. I have perused the explanation given by the respondents in Misc. Application for condonation of delay, but I am not satisfied with the explanation so given for condoning the delay.

4. Further, the Hon'ble Supreme Court in para 4 of the judgment in the case of K.Ajit Babu vs. Union of India, reported in 1998 (1) SLJ 85 observed as under:-

“.....Besides that, the right of review is available if such application is filed within the period of limitation. The decision given by the Tribunal, unless reviewed or appealed against, attains finality. If such a power to review is permitted, no decision is final, as the decision would be subject to review at any time at the instance of party feeling adversely affected by the said decision. A party in whose favour a decision has been given cannot monitor the case of all times to come. Public policy demands that there should be end to law suits and if the view of the tribunal is accepted the proceedings in a case will never come to an end. We, therefore, find that a right of review is available to the aggrieved persons on restricted ground mentioned in Order 47 of the Code of Civil Procedure, if filed within the period of limitation.”

Anil Kumar

5. Having considered the provisions of Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987 and the ratio decided by the Hon'ble Supreme Court in the case of K.Ajit Babu (supra), I am of the view that the Review Application is time barred and cannot be entertained at this stage.

6. That apart, if the matter is considered on merit, we find that there is no merit in this Review Application due to the limited scope of review provided under the law. 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

Anil Kumar

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".

Thus, in view of the ratio decided by the Hon'ble Apex Court (supra), I find no merit in this Review Application and the same deserves to be dismissed.

7. Consequently, in view of the aforesaid, the present Review Application is dismissed not only on the ground of limitation but also on merits by circulation. Accordingly, the Misc. Application for condonation of delay is also dismissed.

Anil Kumar
(ANIL KUMAR)
Administrative Member

Kumawat