IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 11th day of July, 2011

Review Application No. 15/2011
(Original Application No.385/2007)
with Misc. Application No.67/2011

Vijay Verma
s/o Late Shri Hari Prakash,
r/o B-39, Anand Vihar Railway Colony,
Jagatpura, Jaipur and
Presently working as
Assistant Computer Programmer
Under Chief Mechanical Engineer,
North Western Railway,
Jaipur.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India
through General Manager,
North Western Railway,
Jaipur

2. Chief Personnel Officer,
Office of General Manager,
North Western Zone,
North Western Railway,
Jaipur

3. Shankar Lal Meena
s/o Shri Rampal Meena,
r/o Plot No.5, In front of Balti Factory,
Agra Road, Jaipur

.. Respondents

O R D E R (By Circulation)

The present Review Application has been filed for reviewing/recalling the order dated 3rd May, 2011 passed in OA No.385/2007, Ramesh Chandra Sharma vs. Union of India and ors.

2. The applicant has also filed a Misc. Application No.67/2011 for condonation of delay in filing the present Review Application. We have perused the explanation given by the applicant for condonation of delay in the Misc. Application, but we are not satisfied with the explanation so given by the applicant, therefore, the same cannot be accepted.

3. We have also perused the grounds and averments made in the Review Application and we are of the view that there is no merit in this Review Application.

4. The law on this point is already settled and 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".

In view of the law laid down by the Hon'ble Apex Court, we find no merit in this Review Application.

5. Accordingly, the Misc. Application for condonation of delay and the Review Application are dismissed by circulation.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/