

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 24th day of September, 2013

Review Application No. 15/2013
in
(Original Application No. 848/2012)
With
Misc. Application No. 283/2013

CORAM

Hon'ble Mr. Anil Kumar, Administrative Member
Hon'ble Mr. V. Ajay Kumar, Judicial Member

Lal Chand Meena son of Shri Bhura Ram Meena, aged about 52 years, resident of House No. 4335, Govind Raj Ji Ka Rasta, Purani Basti, Jaipur. Presently working as Drilling Assistant (DA) in the office of Deputy Director General, GSI, Drilling Division, Jhalana Dungri, Jaipur (Rajasthan)

.. Applicant

(By Advocate: Mr. Rajendra Vaish)

Versus

1. Union of India through the Secretary to the Government, Department of Mines, Shastri Bhawan, New Delhi.
2. The Director General, GSI, 27, JLN Marg, Calcutta.
3. The Deputy Director General, GSI, 15-16, Jhalana Dungri, Jaipur (Rajasthan).
4. Sh. Puran Mal Dhanka son of...

.. Respondents

(By Advocate: -----)

O R D E R

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The present Review Application has been filed for reviewing/recalling the order dated 19.12.2012 passed in OA No. 848/2012, Lal Chand Meena vs. Union of India & Others.

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2. Heard the learned counsel for the applicant and perused the documents on record filed alongwith the Review Application.

3. 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".

4. We do not find any patent error of law or facts in the order dated 19.12.2012 passed by this Tribunal in OA No. 848/2012. Therefore, in view of the law laid down by the Hon'ble Apex Court,

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we find no merit in this Review Application and the same is accordingly dismissed.

5. In view of the order passed in Review Application, the MA No. 283/2013 for condonation of Delay is disposed of.

V. Ajay Kumar
(V. Ajay Kumar)

Member (J)

Anil Kumar
(Anil Kumar)

Member (A)

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