

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Order : 7.7.95

RA 42/95 (OA 124/95)

S.P. Nanda s/o Shri Daya Ram Nanda, Retd. ACS (G) 7/29, Pooja Marg, Rajendra Nagar, Dholabhatta, Ajmer.

...APPLICANT.

V E R S U S

1. Union of India through Secretary, Govt. of India, Department of Communication, Ministry of Communication, New Delhi-110001.
2. The Director General, Telecommunication Telecom, Commission, Sanchar Bhawan, Ashok Road, New Delhi.
3. The Chief General Manager Telecommunication, Rajasthan Telecom Circle, Jaipur.
4. The Chief Superintendent, Central Telegraph Office, Jaipur.

CORAM:

HON'BLE MR. O.P. SHARMA, MEMBER (A)
HON'BLE MR. RATTAN PRAKASH, MEMBER (J)

O R D E R

PER HON'BLE MR. RATTAN PRAKASH, MEMBER (J)

This Review Application has been filed by the applicant, Shri S.P. Nanda, u/s 22(3)(F) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, against the order passed in OA 124/95 on 19.5.95.

2. In the OA the applicant had sought the following reliefs:-

- a) That by an appropriate order the Hon'ble Tribunal may direct the respondents to fix the pay of the applicant at par with that of Shri B. Singh ACS CTO Lucknow (Junior to the applicant) w.e.f. the date of officiating promotion in TTS Group 'B' Cadre and pay fixed at that stage i.e. Rs.650/- on 27.5.78 and pay arrear thereon accordingly be paid. The impugned order dated 15.6.94 Ann.A/1 and A/2 be ordered to be quashed.
- b) To direct respondents to pay all benefits enjoyed by Shri B. Singh including pay and allowances during his officiating period as TTS Group-B to

- c) To grant such other relief as may be deemed proper by the Hon'ble Tribunal.
- d) To grant the cost of this application in favour of the applicant."

2. In this Review, the review applicant has sought the review mainly on the basis that the facts have not been rightly appreciated and the citations relied upon during the arguments have also not been evaluated properly. We have gone through the grounds taken in the review application and have given anxious thought to the pleas raised in this Review Application.

3. The power to review its own order by a court/Tribunal has been conferred u/s 22(3)(F) of the Administrative Tribunals Act, 1985 and is circumscribed by the limits laid down under Section 114 of the Code of Civil Procedure read with Order XLVII Rule 1 of the C.P.C. It is also settled law that a review of its own order by a Tribunal/court is permissible only on :

- i) the discovery of new and important matter or evidence which after the exercise of due diligence of the petitioner was not within the knowledge or could not be produced by him at the time when the order in question was made;
- ii) on account of some mistake or error apparent on the face of the record; and
- iii) or for any other sufficient reason.

4. Further, in a recent judgement of Hon'ble the Supreme Court in the case of Smt. Meera Phanja v. Smt. Nirmala Kumari Choudhary, reported in 1994 (4) SCALE 985, it has been laid down by Hon'ble the Apex Court that reappreciating the evidence in the Review Application would virtually amount to over-stepping the jurisdiction conferred upon the Tribunal for review of its own order under the aforesaid provisions. In the instant case, the review applicant's emphasis is on the reappreciation of facts which, as has been held by Hon'ble the Supreme Court in the case of Smt. Meera Phanja, is beyond the powers of review conferred in this Tribunal. Moreover, the review applicant has not succeeded in substantiating any of the grounds of review which are specified under Order XLVII Rule 1 of the Code of Civil Procedure read with Section 22(3)(F) of the Administrative

Tribunals Act, 1985.

5. Consequently, there has been no force in this Review Application, it is hereby rejected.

By circulation.


(ARVIND ARORA)

MEMBER (J)


(O.P. SHARMA)

MEMBER (A)

VK