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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR
BENCH: JAIPUR.

...

R.A.No.20/1996

in

Date of order: 21.6.96

OA NO. 52/1995

Hanuman Prasad Sharma : Review-petitioner

Vs.

Union of India and others : Respondents

O R D E R

RATAN PRAKASH, MEMBER (JUDICIAL)

The petitioner Hanuman Prasad Sharma has filed this review petition against the impugned order dated 3.4.1996 in OA No.52/1995 filed by the review petitioner against the Union of India and others whereby the OA was dismissed. In the OA the review petitioner has sought to quash the impugned order dated 30.9.1994 (Annex.A-1) whereby he has been transferred from Jaipur and posted at Bandikui under Sub Divisional Engineer(Phones), Bandikui and order dated 15.10.1994 (Annex.A-2) by which he has been ordered to have been relieved to join at Bandikui.

2. The petition has been filed mainly on the ground that while disposing of the OA by the impugned order dated 3.4.1996 the facts as well as law has not been properly appreciated.

3. I have given anxious thought to the grounds raised in this review petition.

4. It is settled law that the power to review its own order by the Tribunal under the

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Administrative Tribunals Act, 1985 has been conferred under Section 22(3) of the Act read with Rule 17 of the Administrative Tribunal(Procedure) Rules, 1987 and is further 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.D. Accordingly, a review of its own order by the 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 his 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."

It is further the settled law that no grounds can be raised in the review petition which may be taken by way of an appeal. In the instant petition what the review petitioner is trying to claim is that the facts as well as law should be re-appreciated which is in fact not within the purview of a Reviewing Court. Moreover, Hon'ble the Supreme Court in a recent judgment of Smt. Meera Bhanja Vs. Smt. Nirmala Kumari Choudhary, 1994(4)SCALE 985 has laid down that in case an effort is made to re-appreciate the matter once again, it would virtually amount to over-stepping the jurisdiction conferred upon the Tribunal under law. In any view of the matter, the grounds raised in the petition do not fall in any of the three situations enumerated under Order XLVII Rule 1 of the CPC. Hence, the review petition being without any substance is hereby rejected. By circulation.


(RATAN PRAKASH)
MEMBER (J)