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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; JAHUR BENCH:
J A T P U R.

R.A.No.32/96
in
O.A.No.274/96

Date of order: 14.10.96.

Smt. Bhanwari Devi : Petitioner
vs.
Union of India & Ors. : Respondents

O R D E R

PER HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

The petitioner Smt. Bhanwari Devi has filed this review petition under Rule 17 of the C.A.T. (Procedure) Rules, 1987 against the order dated 17.5.1996 in O.A.No.274/96 Smt. Bhanwari Devi Vs. Union of India and others. The petitioner has claimed review of the order dated 17.5.1996 mainly on the ground that the Tribunal has not appreciated the facts of the case properly and has also not applied the law in its correct perspective. Another specific ground taken by the review petitioner is that the Railway Board Circular dated 13.12.1995 has also not been applied in the correct perspective. An effort has also been made to review the order for non-consideration of application dated 3.5.1994 (Annexure RP/2) which is sought to be filed with the petition now.

2. The petitioner Smt. Bhanwari Devi had filed this application under Section 19 of the Administrative Tribunals Act, 1985 for seeking compassionate appointment of her daughter's son Shri Mukesh Kumar on account of the death of her husband Shri Khem

Chand. By an exhaustive order under review dated 17.5.1996 it was held that the OA had no merit and it was accordingly rejected.

3. The claim that the application dated 3.5.1993 was not traceable earlier but could be found only three days before filing of the review petition also does not appear to be true. In my view, this application dated 3.5.1993 on the same subject has been referred in another application dated 22.6.1993 (Annex.A-4) to the OA and has been duly considered while disposing the OA vide order dated 17.5.1996. Hence this application dated 3.5.1993 (Annexure RP/2) cannot be termed as a material document and cannot be said to result in causing any prejudice to the review petitioner. There is thus no ground to review the order dated 17.5.1996 on the basis of non-consideration of the said application dated 3.5.1993 (Annexure RP/2).

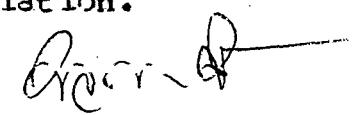
4. It may be stated at the outset that the power to review its own order by the Tribunal under the Administrative Tribunals Act, 1985 has been conferred under Section 22(3) of the Act read with Rule 17 of the C.A.T. (Procedure) Rules, 1987 and is further circumscribed by the limits laid down under Section 114 of the Code of Civil Procedure read with Order XLVII Rule 1 of the C.P.C. It is also the settled law that the review of an order is permissible only under three situations detailed out under Order XLVII Rule 1 of the CPC. It is further the settled law that any ground on which a judgment can be challenged by way of appeal cannot be taken up in a review petition. What

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the review petitioner is trying to do in this review petition is that this Tribunal has not appreciated the facts and material on record and the law in its correct perspective. If an effort is made in this regard, it would amount to over-stepping the jurisdiction conferred upon the Tribunal/Court under Order XLVII Rule 1 of the CPC read with Section 114 of the CPC. Hon'ble the Supreme Court in the case of Smt. Meera Bhanja vs. Nirmal Kumari Choudhary, 1995 S.C. 455 has held that re-appreciating facts amounts to over-stepping the jurisdiction conferred upon it for review of its own order under the law. Hon'ble the Supreme Court has also recently held in the case of The Keshav Mills Co.Ltd. vs. Commander of L.T., Bombay (North), 1995 (3) S.C.625, that more reasonableness of the alternative view which is pressed on subsequent occasion need not necessarily be an adequate reason for review of the earlier decision. In the present petition what the review petitioner is trying to emphasize is that this Tribunal should not only re-appreciate the evidence and facts but should also take into consideration more reasonableness of views expressed in other authoritative pronouncements. As observed earlier, this is not permissible as it would amount to over-stepping the jurisdiction of the reviewing Court.

5. Consequently, there being no force in this review petition, it is rejected. By circulation.


(RATAN PRAKASH)
MEMBER (J)