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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

R.A. No.1/98 in OA 207/96

Date of order: 19.2.98

Union of India and another : Petitioners

Versus

Smt. Laxmi Bai : Respondent.

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


The petitioners Union of India and the Divisional Railway Manager, Western Railway, Ajmer (respondents in the OA 207/96) have filed this review petition under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 to review the order dated 2.12.1997 passed in OA No.207/96 Smt. Laxmi Bai Vs. Union of India and another. The main ground taken by the review petitioners herein is that the Tribunal vide its order dated 2.12.1997 disposed of the OA on the basis of order dated 8.5.1972, whereas, Shri Chauthmal husband of the petitioner Smt. Laxmi Bai was never screened by the Screening Committee as his Co-workers S/Shri Bhima Gulab and Shri Nazir Mohd. were screened on 28.1.1977 and their orders of regular appointment were issued on 9.10.1980. It has, therefore, been asserted that before the year 1977 Shri Chauthmal the deceased husband of the petitioner was never screened, moreso when he expired on 9.10.1975.

2. At the outset, it may be stated that the power to review its own orders has been conferred upon the Tribunal under Section 22(3)(f) of the Administrative Tribunals Act, 1985, read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 which is further circumscribed by Section 114 and Order 47, Rule 1 of the

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Code of Civil Procedure. It is also settled law that the grounds which may be raised by way of an appeal cannot be raised in review petition. What the petitioners^{are} claiming through this review petition is that this Tribunal should re-appreciate the material on record and also the orders dated 28.11.1977 (Annx. RA-2) and 9.10.1980 (Annx. RA-3) which have now been annexed with the review petition, which is beyond the perview of this Tribunal while exercising the power of review conferred upon it under the law. It is settled law that if any effort is made to re-appreciate the evidence, it amounts to over-stepping of jurisdiction conferred upon a Court/Tribunal under its power of review. Further, in the case of Indian Oil Corporation Ltd. Vs. Municipal Corporation and another, JT 1995(3) S.C. 626 it has been held 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 instant case, the petitioners herein is trying not only to re-appreciate the evidence, but also take into consideration the material which has not been made available by the petitioners-respondents in the OA. The petitioners have not brought-forth any of the three permissible grounds on the basis of which a review of the order dated 2.12.1997 could be made.

3. Consequently, I do not find any merit in this review petition which is rejected. By Circulation.


(Ratan Prakash)
Judicial Member