

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A.No.36/2001

Date of order: 19.10.2001

In O.A No.418/1998

1. Union of India through the Director General, Employees State Insurance Corporation, Kotla Road, New Delhi.
2. Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, Bhawani Singh Marg, Jaipur through its Regional Director.

...Applicants.

Vs.

1. Brijendra Kumar, S/o Sh.Mahaveer Prasad, R/o Plot No.18, Shiva Colony, Tonk Road, Jaipur.
2. Rajesh Kumar Lakhhera, S/o Sh.S.N.Lakhhera, R/o Plot No.1311, Barkat Nagar, Tonk Phatak, Jaipur.
3. Ku.Durga Kshetrya, D/o Sh.Kshetrya, R/o Plot No.D-241, Prem Nagar, Jhotwara, Jaipur.
4. Ramesh Lal, S/o Sh.Babu Lal Meghwai, R/o Bernlars, Teh.Pindhlara, Distt.Sirohi.

...Respondents

Mr.U.D.Sharma - Counsel for the applicants in R.A.

PER HON"BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

This review application has been filed to recall/review the order of this Tribunal dated 4.9.2001 passed in O.A.No.418/98 Brijendra Kumar Vs, Union of India & Anr.

2. Vide order dated 4.9.2001, this Tribunal disposed of the O.A having become infructuous. The applicants shall be at liberty to take the issue of regularisation at appropriate time, if it so advised. No order as to costs.

3. We have perused the averments made in this review application and also perused the order delivered by this Tribunal dated 4.9.2001 in O.A No.418/98.

4. The main contention of the learned counsel for the applicant in this review application is that, the Tribunal committed an error in not taking note of the fact that the services of applicant No.3 had been terminated w.e.f. 2.11.98 therefore this order gives a clear impression that the services of applicant No.3 had also been extended from time to time like applicants No.1, 2 & 4 and she is also to be continued till regularly selected candidates became available for joining their duties.

5. Section 22(3) of the Administrative Tribunals Act, 1985 confers on Administrative Tribunal discharging the functions under the Act, the same powers as are vested in a Civil Court under the Code of Civil Procedure while trying a suit in respect inter alia of reviewing its decisions.

6. A Civil Court's power to review its own decision under the Code of Civil Procedure is contained in order 47 Rule 1. Rule 47, Rule 1 provides as follows:

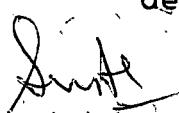
"Application for review of judgment:

(1) Any person considering himself aggrieved;

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on reference from a Court of small causes and who, from 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 decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the court which passed the decree or made the order."



7. On the basis of the above position of law, it is clear that power of review available to the Administrative Tribunal is similar to power given to civil court under Order 47 Rule 1 of Civil Procedure Code, therefore, any person who consider himself aggrieved by a decree or order from which an appeal is allowed but from which no appeal has been preferred, can apply for review under Order 47 Rule 1(a) on the ground that there is an error apparent on the face of the record or from 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 decree or order was passed but it has now come to his knowledge.

8. We have given anxious consideration to the contention raised by the learned counsel for the applicants in the review application and also perused the order dated 4.9.2001 passed in O.A. No.418/98 and the whole case file thoroughly.

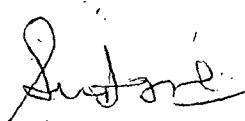
9. Admittedly, the services of applicant No.3 had been terminated vide order dated 2.11.98 and this fact appears to have been escaped ~~in~~ the notice of the Tribunal, therefore, the order dated 4.9.2001 is to be modified to the extent that applicant No.3 shall not be entitled to any relief sought for.

8. We therefore modify the order dated 4.9.2001 passed in O.A. No.418/98 to the extent that applicant No.3 shall not be entitled to any relief sought for as her services had already been terminated vide order dated 2.11.98. The review application stands disposed of accordingly.



(S.A.T.Rizvi)

Member (A).



(S.K.Agarwal)

Member (J).