

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A.No.43/2001

Date of order: 13.11.2001

1. Rajendra Kumar, S/o Sh.Mewalal, R/o B-390, Vidhyadhar Nagar, Jaipur.
2. Rajesh, S/o Sh.Rati Ram, R/o 3/390, Vidhyadhar Nagar, Jaipur.
3. Banne Singh, S/o Nand Singh, R/o 170, B, Vidhyadhar Nagar, Jaipur.
4. Badan Singh, S/o Sh.Gulaki Ram, Lankapuri, Shastri Nagar, Jaipur Cantt.

...Applicants.

Vs.

1. Union of India through Secretary, Mini. of Defence, New Delhi.
2. Director General Supply & Transport, Sena Bhawan, New Delhi.
3. Deputy Director Supply & Transport, Headquarters 61 (Indep) Sub Area, Jaipur Cantt.
4. Officer Commanding, Supply Depot, ASC, Jaipur Cantt.

...Respondents

Mr.R.S.Bhadauria - Counsel for the applicants.

CORAM:

Hon'ble Mr.S.K.Agarwal, Member (J)

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

This review application has been filed to recall/review the order of this Tribunal dated 27.9.2001 passed in O.A.No.341/98, Rajendra Kumar & Ors. Vs, Union of India & Ors.

2. Vide order dated 27.9.2001, this Tribunal dismissed the O.A having no merits with no order as to costs.

3. I perused the averments made in this review application and also the order delivered by this Tribunal dated 27.9.2001 in O.A

No.341/98.

4. The main contention of the learned counsel for the applicant in this review application is that this Tribunal confined its judgment in this O.A as if no amendment is allowed with the O.A whereas the applicants sought amendment in the O.A and vide order dated 10.5.2000 the Tribunal allowed the M.A.

5. Vide Amended O.A, the applicants sought the following reliefs:

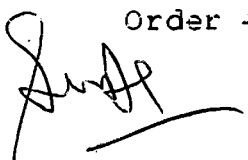
"Issue appropriate writ, order or direction or any other relief in the nature thereof commanding the respondents to quash the oral order of termination w.e.f. 1.9.98 and reinstate the applicants in service with all consequential benefits. Further the respondents be directed to accord applicants casual temporary status having rendered more than 240 days service and they be paid salary equal to that of regular chowdidars/labourers as the case may be from retrospective date and further their services be regularised against the vacant post of Chowkidars/Labourers from the date they are awarded temporary status."

6. Reply to the amended O.A was filed wherein the respondents have stated that the selection Board convened on 30.10.96 which rejected the cases of the applicants due to their ineligibility. They further stated that the applicants were not engaged against vacant post rather they were engaged for the work which was of seasonal and intermittent nature.

7. Sec.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.

8. A Civil Court's power to review its own decision under the Code of Civil Procedure is contained in Order 47 Rule 1.

Order 47, Rule 1 provides as follows:



"Application for review of judgment:

(1) Any person considering himself aggrieved;

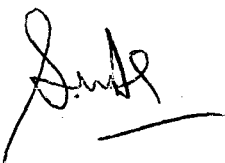
(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred.

(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. It has been observed by Hon'ble Supreme Court in a recent judgment Ajit Kumar Rath Vs. State of Orissa & Ors, JT 1999(3) SC 578 that a review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view

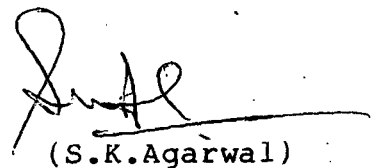


taken earlier, that is to say, the power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it. It may be pointed out that the expression 'any other sufficient reason' used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule.

10. I have given anxious consideration to the contention raised by the learned counsel for the applicant in the review application and also perused the order dated 27.9.2001 passed in O.A No.341/98 and the whole case file including the relief clause, para 8(i) & (ii) of the amended O.A and I am of the view that detailed reasons are also given why it was equitable to give such direction and I do not find any error apparent on the face of the record and no new important fact or evidence has come into the notice of this Tribunal on the basis of which the order passed by the Tribunal can be reviewed.

11. In view of the above and the facts and circumstances of this case, I do not find any error apparent on the face of the record to review the impugned order and therefore, there is no basis to review the above order.

12. I, therefore, dismiss the review application having no merits.



(S.K. Agarwal)

Member (J).