

CENTRAL ADMINISTRATIVE TRIBUNAL.**Jabalpur Bench****Jabalpur**

Review Application No.20 of 2008
(in Misc. Application No. 64 of 2008
of OA No.191 of 2003)
[60002008270608]

Jabalpur, this the 27th day of June, 2008

Dr. S.C. Dixit, age about 65 years,
Son of Late Shri R.C. Dixit, Retired Research
Officer (Medical) of RMRCT (ICMR) Jabalpur,
Resident of – 349 Gautam Nagar, Opposite
Allahabad Bank, Govindpura, Bhopal-462023.

-Review Applicant

V E R S U S

1. Union of India, Through the Principal Secretary, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, New Delhi – 110 011.
2. The Director General, Indian Council of Medical Research, V. Ramalingaswamy Bhawan, Ansari Nagar, Post Box 4911, New Delhi – 110 029.
3. The Director, Regional Medical Research Centre for Tribals, (Indian Council of Medical Research), Nagpur Road, P.O., Garha, Jabalpur (MP) 482 003.

-Respondents

O R D E R (In circulation)

By Dr.G.C.Srivastava, VC.-

This review application has been filed in respect of the order passed by this Tribunal on 26.2.2008 in MA No. 64/2008 of OA No. 191 of 2003 dismissing the MA being devoid of merits.

2. On a careful perusal of the review application we find that the grounds taken in the RA are substantially the same which were taken in the MA. All these grounds were considered by the Tribunal before the order that is sought to be reviewed was passed. The applicant has failed to bring out any error of fact or law apparent on the face of record in the aforesaid order of the Tribunal. It is quite clear that this review application is in fact an appeal in disguise as the main ingredients prescribed for filing a review petition are completely lacking.

3. The power of review available to this Tribunal is the same as has been given to a court under section 114 read with order 47 rule 1 of the Civil Procedure Code. The apex court has clearly stated in **Ajit Kumar Rath Vs. State of Orissa and others**, (1999) 9 SCC 596 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". This Tribunal cannot review its order unless the error is plain and apparent. It has clearly been held by the apex court in the case of **Ajit Kumar Rath** (supra) that "[A]ny other attempt, except an attempt to correct an apparent error or an attempt not based on any ground set out in Order 47, would amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment".

4. It is also settled principle of law that the Tribunal cannot act as an appellate court for reviewing the original order. This proposition of law is supported by the decision of the Hon'ble Supreme Court rendered in the case of **Union of India Vs. Tarit**



Ranjan Das, 2004 SCC (L&S) 160 wherein their lordships have held as under:

“The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application”.

5. In view of the above, we are of the considered view that no case for a review of the order passed by this Tribunal on 26.2.2008 in MA 64/2008 of OA No. 191/2003 has been made out by the applicant in this review application. It is accordingly rejected at the circulation stage itself.

(A.K.Gaur)
Judicial Member

(Dr.G.C.Srivastava)
Vice Chairman

rkv

पृथिव्वन सं. ओ/न्या..... जलालुर, दि.....
पतिविधि अवधितः—

- (1) सचिन, उच्च व्यायामाय दार एसोसिएशन, जबलपुर
- (2) आद्येत्क श्री/भीमती/कु. के काउंसल
- (3) पर. श्री/भ्री/प्रीती/कु. के काउंसल
- (4) श. प. राम. रामप. जबलपुर व्यायामीठ

सकारा पूर्व आवश्यक कार्यवाही हेत ॥ १०४ ॥

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