

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 12th day of October, 2011

Review Application No. 31/2011
(Original Application No.145/2009)
with Misc. Application No.292/2011

Harish Chand,
s/o Shri Bidha Ram,
r/o 65/2, Rastriya Military School,
at present working as Assistant Master (Hindi),
Rastriya Military School,
Ajmer.

.. Applicant

(By Advocate: Shri Anil Upman)

Versus

1. Union of India
through the Secretary to the Govt. of India,
Department of Defence,
Ministry of Defence,
New Delhi.
2. The Director General of Military Training (M.T.15),
General Staff Branch,
Army Headquarter,
D.H.Q.P.O.,
New Delhi.
3. Principal,
Rastriya Military School,
Dholpur (Raj.)
4. Principal,
Rastriya Military School,
Ajmer (Raj.)

.. Respondents

(By Advocate: -----)

O R D E R (By Circulation)

The present Review Application has been filed by the applicant in the OA for reviewing/recalling the order dated 4th April, 2011 passed in OA No.145/2009, Harish Chand vs. Union of India and Ors.

2. The applicant has also filed a Misc. Application No.292/2011 for condonation of delay in filing the present Review Application. We have perused the grounds and the explanation given by the applicant for condonation of delay in the Misc. Application, but we find no cogent explanation in this application, therefore, the same deserves to be dismissed.

3. We have also perused the grounds and averments made in the Review Application and we are of the view that there is no merit in this Review Application.

4. From perusal of the record, it reveals that several opportunities were given to the applicant to file rejoinder to the reply filed by the respondents, but the applicant failed to do so. In the present Review Application, the applicant has taken grounds which could have been raised by him by way of filing rejoinder to the reply filed by the respondents. As such, at this stage it is not open for him to raise grounds which are beyond the scope of review application.



5. The law on this point is already settled and the Hon'ble Apex Court has categorically held that the matter cannot be heard on merit in the guise of power of review and further if the order or decision is wrong, the same cannot be corrected in the guise of power of review. What is the scope of Review Petition and under what circumstance such power can be exercised was considered by the Hon'ble Apex Court in the case of Ajit Kumar Rath Vs. State of Orissa, (1999) 9 SCC 596 wherein the Apex Court has held as under:

"The power of the Tribunal to review its judgment is the same as has been given to court under Section 114 or under Order 47 Rule 1 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47 Rule 1 CPC. The power can be exercised on the application of a person on 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 order was made. The power can also be exercised on account of some mistake of fact or error apparent on the face of record or for any other sufficient reason. 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 fact without any elaborate argument being needed for establishing it. It may be pointed out that the expression 'any other sufficient reason' used in Order XL VII Rule 1 CPC means a reason sufficiently analogous to those specified in the rule".

In view of the law laid down by the Hon'ble Apex Court, we find no merit in this Review Application.



6. Consequently, the Misc. Application for condonation of delay and the Review Application are dismissed by circulation.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K.S.Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/