

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 4th day of November, 2011

Review Application No. 35/2011
(Original Application No.475/2008)

Dr. Vipin Pandey
s/o Shri Kali Charan Pandey,
r/o 2/135, Vidhyadhar Nagar,
Jaipur

.. Applicant

(By Advocate: Shri Sandeep Singh)

Versus

1. Union of India
Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. Chairman,
Railway Board,
Rail Bhawan,
New Delhi.
3. General Manager,
North Central Railway,
Hajipur (Bihar)
4. Divisional Railway Manager,
North Western Railway,
Ajmer Division, Ajmer.

.. Respondents

(By Advocate: -----)

ORDER (By Circulation)

The present Review Application has been filed by the applicant in the OA for reviewing/recalling the order dated 12th September, 2011 passed in OA No.475/2008, Dr. Vipin Pandey vs. Union of India and Ors.

2. From perusal of material available on record, it reveals that the Review Application has been filed by the applicant on 1.11.2011 for reviewing the order passed by this Tribunal on 12.9.2011, which is admittedly beyond the period of limitation provided under Rule 17(1) of the Central Administrative Tribunal (Procedure) Rules, 1987, which is in the following terms:-

17. Application of Review.- (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of the order sought to be reviewed."

Thus, in view of the specific provision regarding filing of Review Application, the present Review Application is not maintainable on the ground of limitation. The applicant has not even given any reason by way of filing application for condoning the delay.

3. We have also perused the grounds and averments made in the Review Application. The applicant has mainly averred that certain payment has not been given to the



applicant. From perusal of the record, it reveals that opportunity was given to the applicant to verify the fact about payment made to the applicant, but the applicant failed to avail the opportunity to verify the fact of receiving payment. However, liberty was granted by this Tribunal to the applicant to file substantive OA, in case, he is further aggrieved by shortfall of any retiral benefit. Thus, in our considered view, there is no merit in this Review Application due to the limited scope of review provided under the law.

4. 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 and the same deserves to be dismissed.

5. Consequently, the Review Application is dismissed not only on the ground of limitation but also on merits, by circulation.

Anil Kumar
(ANIL KUMAR)
Admv. Member

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

R/