

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 30th day of October, 2012

**REVIEW APPLICATION No.19/2012
(ORIGINAL APPLICATION No.128/2012)**

Lal Chand Meena
s/o Shri Bhura Ram Meena,
aged 52 years, resident of
House No.4335, govind Raj Ji Ka Rasta,
Purani Basti, Jaipur, presently working as
Drilling Assistant (DA) in the office of
Dy. Director General, GSI, Drilling Division,
Jhalana Dungari, Jaipur

.. Applicant

(By Advocate: Shri N.C.Goyal))

Versus

1. Union of India
through the Secretary to the Government,
Department of Mines,
Shashtri Bhawan,
New Delhi
2. The Director General, GSI, 27, JLN Marg,
Calcutta.
3. The Dy. Director General,
GSI, 15-16, Jhalana Dungari,
Jaipur.

.. Respondents

(By Advocate: ..)

ORDER (By Circulation)

The present Review Application is filed by the applicant for reviewing/recalling the order dated 24.9.2012 passed in OA No.128/2012 and MA No.49/2012, Lal Chand Meena vs. Union of India and ors.

2. From perusal of the record of the OA, it reveals that nobody appeared on behalf of the applicant on 30.5.2012, 21.8.2012 and also on 24.9.2012. On 24.9.2012 the case was called but nobody appeared on behalf of the applicant and the case was passed over. In the second round when the case was called, nobody appeared on behalf of the applicant and in these circumstances, the Tribunal after considering the averment made by the applicant in the OA as well as in MA for condonation of delay and hearing the learned counsel for the respondents, decided the OA as well as MA on 24.9.2012.

3. In the Review Application, the applicant has raised various grounds for recalling the order dated 24.9.2012. We have considered the grounds taken and the averments made in the Review Application and are of the view that the present review application has no merit due to the limited scope of review provided under the law. 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

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XL VII Rule 1 CPC means a reason sufficiently analogous to those specified in the rule".

In view of the ratio decided by the Hon'ble Apex Court, we do not find any merit in this Review Application and the same deserves to be dismissed in limine.

4. Consequently, the Review Application is dismissed by circulation.

Anil Kumar
(ANIL KUMAR)

Admv. Member

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

R/