

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 31st day of October, 2012

**REVIEW APPLICATION No.21/2012
(ORIGINAL APPLICATION No.272/2010)**

Jitendra Kumar Sharma
s/o Shri Om Prakash Sharma,
aged about 47 years,
r/o 36/1, Staff Quarters,
Rashtriya Military School,
Ajmer,.

.. Applicant

(By Advocate : Shri Man Singh Gupta)

Versus

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. Director, M-15, General Staff Branch, Integrated Head Quarter of MOD (Army), P.O. New Delhi.
3. Dy. Chief of Army Staff (I S and T), General Staff Branch, Integrated Head Quarter of MOD (Army), P.O. New Delhi.
4. Director General of Military Training/MT-15, General Staff Branch, Integrated H.Q. of MOD (Army), P.O. New Delhi.
5. Smt. S.Gayathri, Assistant Master (Maths), Rashtriya Military School, Bangalore.

.....Respondents

(By Advocate :)

ORDER (By Circulation)

The present Review Application is filed by the applicant for reviewing/recalling the order dated 14.9.2012 passed in OA No.272/2010, Jitendra Kumar Sharma vs. Union of India and ors.

2. In the Review Application, the applicant has raised various grounds for recalling the order dated 14.9.2012. 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:

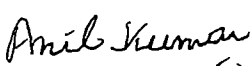
"The power of the Tribunal to review its judgment is the same as has been given to court under Section 114 or under Order 47 Rule 1 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47 Rule 1 CPC. The power can be exercised on the application of a person on the discovery 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 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 sufficient ground for reviewing or recalling the order dated 14.9.2012, and therefore, the Review Application being bereft of merit deserves to be dismissed in limine.

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


(ANIL KUMAR)
Admv. Member


(JUSTICE K.S.RATHORE)
Judl. Member

R/