

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 06th day of November, 2013

Review Application No. 22/2013
With
Misc. Application No. 353/2013
in
(Original Application No. 562/2012)

1. Madan Gopal son of Shri Mohan Lal, aged about 83 years, resident of C-225, Gyan Marg, Tilak Nagar, Jaipur. Pensioner of Central Government after retirement from Public Sector undertaking on restoration of one third (1/3) commutation value.
2. Gurmel Singh son of Shri S. Sajjan Singh aged about 79 years, resident of B-42, Sethi Colony, Jaipur Pensioner of Central Government after retirement from Public Sector undertaking on restoration of one third (1/3) commutation value.
3. S.K. Chopra son of Shri J.C. Chopra, aged about 76 years, resident of 507/6, Raja Park, Jaipur. Pensioner of Central Government after retirement from Public Sector undertaking on restoration of one third (1/3) commutation value.
4. K.K. Gaddi son of Late Shri Ishwar Das, aged about 80 years, resident of 768, Ashok Chowk, Adarsh Nagar, Jaipur. Pensioner of Central Government after retirement from Public Sector undertaking on restoration of one third (1/3) commutation value.
5. P.C. Chaturvedi son of Shri Mangi Lal Chaturvedi, aged about 83 years, resident of D-379, Malviya Nagar, Jaipur. Pensioner of Central Government after retirement from Public Sector undertaking on restoration of one third (1/3) commutation value.
6. B.L. Sethi son of Late Shri K.C. Sethi aged about 75 years, resident of 937, Sethi Bhawan, Rasta Churukaon, SMS Highway, Choura Rasta, Jaipur. Pensioner of Central Government after retirement from Public Sector undertaking on restoration of one third (1/3) commutation value.

... Applicants

Versus

1. Union of India through its Secretary, Department of Pension and Pensioners Welfare, Government of India, Ministry of Personnel, Public Grievances, New Delhi.
2. Principal Accountant General (A&E), Rajasthan, Jaipur.
3. Principal Accountant General, Jaipur.

... Respondents

O R D E R (By Circulation)

The present Review Application has been filed for reviewing/recalling the order dated 09.09.2013 passed in OA No. 562/2012, Madan Gopal & Others vs. Union of India & Others.

2. I have perused the averments made in the Review Application and I am of the view that there is no merit in this Review Application.

3. 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

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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".

4. I do not find any patent error of law or facts in the order dated 09.09.2013 passed in OA No. 562/2012, Madan Gopal & Others vs. Union of India & Others. Therefore, in view of the law laid down by the Hon'ble Apex Court, I find no merit in this Review Application and the same is accordingly dismissed by circulation.

5. In view of the order passed in the Review Application, the MA No. 353/2013 for condonation of delay is disposed of accordingly.

Anil Kumar
(Anil Kumar)
Member (A)