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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH .**

21. RA 060/00081/2014 & MA 060/00842, 843/2014 IN
O.A. No.060/00001/2014

SATPAL GUPTA

.....REVIEW APPLICANT

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

07.07.2014

Present: Mr. B.B.Sharma, counsel for the applicants in MA

1. The present Review Application has been filed under Order XLVII Rule 1 CPC, 1908 read with Section 22 (3) (1) (f) of the Administrative Tribunals Act, 1985 and Rule 17 of the C.A.T. (Procedure) Rules, 1987 seeking review of the order dated 12.05.2014, wherein the OA was allowed in part. The respondents were directed to reimburse the medical claim of the applicant as per CGHS rates.

2. It is argued by Mr. B.B.Sharma, learned counsel appearing on behalf of the review applicants in RA that the instructions dated 12.03.2014 issued by the Ministry of Health and Family Welfare, Union of India as per which matter is under active consideration has not been considered by the Bench as it could not be brought to its notice inadvertently. A perusal of the sole plea taken by the respondents for review does not convince us to change our view moreover the same is based upon the judicial pronouncement on the subject. Therefore,

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the present review application does not fall within the scope of review under Order 47 Rule 1 CPC read with Section 22 (3) (1) (f) of the Administrative Tribunals Act, 1985. Our view finds support from the judgment of the Hon'ble Supreme Court in the case of "State of West Bengal & Ors. Vs. Kamal Sengupta & Ors" (2008 (8) SCC 612) in Civil Appeal No. 1694 of 2006, decided on 16.06.2008. wherein the Hon'ble Apex Court has laid down the following guidelines:-

- "(i) The power of the Tribunal to review its order/decision under Section 22(3)(f) of the Act is akin/analogous to the power of a Civil Court under Section 114 read with Order 47 Rule 1 of CPC.
- (ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 and not otherwise.
- (iii) The expression "any other sufficient reason" appearing in Order 47 Rule 1 has to be interpreted in the light of other specified grounds.
- (iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as an error apparent on the face of record justifying exercise of power under Section 22(3)(f).
- (v) An erroneous order/decision cannot be corrected in the guise of exercise of power of review.
- (vi) A decision/order cannot be reviewed under Section 22(3)(f) on the basis of subsequent decision/judgment of a coordinate or larger bench of the Tribunal or of a superior Court.
- (vii) While considering an application for review, the Tribunal must confine its adjudication with reference to material which was available at the time of initial decision. The happening of some subsequent event or development

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cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.

(viii) Mere discovery of new or important matter or evidence is not sufficient ground for review. The party seeking review has also to show that such matter or evidence was not within its knowledge and even after the exercise of due diligence, the same could not be produced before the Court/Tribunal earlier."

3. Similar view has been taken in case of "**Subhash vs State Of Maharashtra And Anr.**" (AIR 2002 SC 2537), wherein it has been held as under:-

"3. The scope for consideration before the Tribunal was very limited. Inasmuch as this Court had found that the appellant did possess the necessary qualification as per the Rules and the Tribunal having found he was entitled for appointment in Original Application No. 94/1995, there is no justification for the Tribunal to have reviewed the matter once over again, particularly, when the scope of review is very much limited under Section 22(3)(f) of the Administrative Tribunals Act, 1985 as is vested in a Civil Court under the Code of Civil Procedure. The Tribunal could have interfered in the matter if the error pointed out, is plain and apparent. But the Tribunal proceeded to re-examine the matter as if it is an original application before it. This is not the scope of review.

4. In that view of the matter, we think the order on review made by the Tribunal needs to be set aside. It is ordered accordingly. The order dated 27-3-1995 made by the Tribunal on the Original Application No. 94/1995 shall stand restored. The appeal is allowed accordingly.

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5. However, in the circumstances of the case, we think it is appropriate to award the cost of the appellant which is quantified at Rs. 10,000/-."
4. Accordingly, this RA is dismissed. No costs.

**(RAJWANT SANDHU)
MEMBER (A)**

**(SANJEEV KAUSHIK)
MEMBER (J)**