

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH

RA.No.060/00090/2014 in
OA.No.060/00303/2014

Dated: 06.08.2014

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

J.R. JASSALAPPLICANT

VERSUS

UNION OF INDIA & ORS.RESPONDENTS

ORDER

By Hon'ble Mrs. Rajwant Sandhu, Member(A)

1. RA No.060/00090/2014 in OA No.060/00303/2014 has been filed under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 praying that the order dated 09.07.2014 in OA No.060/00303/2014 that was received on 16.07.2014, be reviewed for the reasons stated in the review application.
2. Perusal of the grounds taken in the RA shows that the applicant is seeking rehearing of the whole matter while this is not within the scope of an RA as has been held in Civil Appeal No. 1694 of 2006 titled the State of West Bengal & Ors. Vs. Kamal Sen Gupta & Ors., decided on 16.6.2008 as follows:-

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- "(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 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**

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same could not be produced before the Court/Tribunal earlier."

No error apparent on the face of the record has been pointed out in the RA.

3. Hence this RA is rejected.

**(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.**

**(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER**

Place: Chandigarh
Dated: 06.08.2014

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