

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Date of order: 23.7.2015

**Review Application No.060/00046/15
and MA No. 060/00617 of 2015 in
In
O.A. NO. 060/00288/2014**

Tarsem Lal

.....Applicants

VERSUS

Union of India and Ors.

.....Respondents

ORDER (in circulation)

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This RA has been filed seeking review of the order dated 09.01.2015 in OA No. 060/00288/2014.
2. MA No. 060/00617 of 2015 has also been filed for condonation of delay in filing the RA.
3. From the content of the RA, it is evident that the respondents are seeking rehearing of the whole matter which is not within the scope of an RA as has been clarified by the Apex Court while providing guidance on the scope of an RA in **Civil Appeal No. 1694 of 2006 (State of West**

Ms —

Bengal and Ors. Vs. Kamal Sengupta and another) decided on 16.06.2008, wherein it was held as follows:-

- “(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 same could not be produced before the Court/Tribunal earlier.”

Ms —

5. There is no error apparent on the face of the record in the order dated 09.01.2015. Hence, this RA is rejected as not being within the scope of Order 47 Rule 1 of CPC. MA is also disposed of accordingly.

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

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

Dated: 23.7.2015

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