

Central Administrative Tribunal
Principal Bench: New Delhi

RA No.199/2015

In

OA No.618/2014

MA No.684/2014

New Delhi this the 9th September, 2015

Hon'ble Shri Sudhir Kumar, Member (A)

Hon'ble Shri A.K.Bhardwaj, Member (J)

Dr. J.L.Chaudhary

...Review Applicant.

(Applicant in person)

Versus

North D M C

S.P.M. Civic Centre

J.L.Nehru Marg, Delhi-2.

...Respondent.

ORDER (ORAL)

Shri A.K.Bhardwaj, Member (J):

It is *stare decisis* that after pronouncing an order & judgment in the matter, the Courts/Tribunals become functuous officio. The only exception to the principle is Review Application, which may be entertained only when (i) there is an error apparent on the face of record, (ii) some such documents, which could not be produced at the time of final adjudication despite due diligence, are brought to the notice of the Court with Review Application or, (iii) there is some other sufficient reason. In the present case, none of the aforementioned yardsticks have been satisfied.

2. In **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160, the Hon'ble Supreme Court has viewed as under:-

"13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two

orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing

(RA No.199/2015)

(2)

the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court.”

3. In the wake, the Review Application cannot be entertained and is accordingly dismissed. No costs.

(A.K. Bhardwaj)
Member (J)

(Sudhir Kumar)
Member (A)

/kdr/