

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No.236/2017 In
O.A. No.2669/2017

New Delhi this the 15th day of November, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Smt. Manorama
 Age 38 years
 W/o Shri Raj Kumar
 Safiwal
 Under Chief Medical Superintendent,
 North Central Railway,
 Agra,
 R/o J-70/F, North Railway Colony,
 Agra Cantt. Agra.Review Applicant

Versus

Union of India: Through

1. Secretary,
 Railway Board,
 Rail Bhawan,
 New Delhi.
2. General Manager,
 North Central Railway,
 Allahabad.
3. Divisional Railway Manager,
 North Central Railway,
 Agra.
4. Chief Medical Director,
 North Central Railway,
 Allahabad.Respondents

ORDER BY CIRCULATION

Hon'ble Ms. Nita Chowdhury, Member (A)

The facts, in brief, are that while deciding the Original Application (OA) bearing No.2669/2017, this Tribunal considered all the issues raised by the Review Applicant and disposed of the same on merits on

09.10.2017 (Annexure-RA-1). The operative part of the said order reads as under:-

“6. We may mention that on the point of jurisdiction, this OA cannot be entertained at the Principal Bench since the jurisdiction lies with the Allahabad Bench. The relevant Rule 6 of the Central Administrative Tribunal (Procedure) Rule, 1987 reads as under:-

“6. Place of filing applications. - (1) An application shall ordinarily be filed by an application with the Registrar of the Bench within whose jurisdiction. (i) the applicant is posed for the time being, or (ii) the cause of action, wholly or in part, has arisen: Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

7. The OA is, therefore, dismissed at the admission stage itself. However, liberty is granted to the applicant to file an appropriate OA before the appropriate Bench or PT in accordance with law”.

2. Now the Review Applicant has filed the present RA bearing No.236/2017 for reviewing the indicated order, mainly on the grounds which have already been considered by this Tribunal while deciding the main OA.

3. The main ground pressed into service by the Review Applicant to review the order is that the Tribunal failed to appreciate that he is eligible to file the present OA at the Principal Bench and he should not be forced to file the same at Allahabad Bench. We have already dealt with the same in the order and permitted him to file either an OA before appropriate Bench or PT in accordance with law. By means of this RA, review applicant cannot be permitted to re-agitate all the grounds again which is not permissible.

4. It is now well settled principle of law that the earlier order can only be reviewed if the case squarely falls within the legal ambit of review and

not otherwise. Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 regulates the provisions of review of the orders. According to the said provision, a review will lie only when there is discovery of any new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by the review applicant seeking the review at the time when the order was passed **or made on account of some mistake or error apparent on the face of the record.** It is now well settled principle of law that the scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an Appellate Authority in respect of the original order by a fresh and re-hearing of the matter to facilitate a change of opinion on merits. The reliance in this regard can be placed on the judgments of the Hon'ble Supreme Court in cases of ***Parson Devi and Others vs. Sumitri Devi and Others (1997) 8 SCC 715, Ajit Kumar Rath Vs. State of Orissa (1999) 9 SCC 596, Union of India Vs. Tarit Ranjan Das (2003) 11 SCC 658 and Gopal Singh Vs. State Cadre Forest Officers' Association & Others (2007) 9 SCC 369.***

5. An identical question came up to be decided by Hon'ble Apex Court in case ***State of West Bengal and Others Vs. Kamal Sengupta and Another (2008) 8 SCC 612.*** Having interpreted the scope of review and considering the catena of previous judgments mentioned therein, the following principles were culled out to review the orders:-

“(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".

6. Meaning thereby, the original order can only be reviewed if case strictly falls within the domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise. In the instant RA, the review applicant has not pointed out any error apparent on the face of record warranting a review of the order dated 09.10.2017 (Annexure RA-1). Moreover, the issues now sought to be urged, were subject matter of the OA and have already been adjudicated upon by the Tribunal.

7. In the light of the aforesaid reasons, as there is no apparent error on the face of record, so no ground is made out to entertain the present Review Application, which is accordingly dismissed.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

Rakesh