

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**R.A. No.165/2018**

in

**OA No.1385/2016**

New Delhi this the 10<sup>th</sup> day of September, 2018

**HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. Faiyaz aged about 45 years,  
S/o Sri Sherdin,  
R/o Village & Post-Daurala,  
Ward No.5, District-Meerut (UP)
  2. Om Prakash, aged about 47 years,  
S/o Sri Laxman Singh,  
R/o Village – Daurala Bangla Colony  
Post – Daurala, District – Meerut (UP)
  3. Ganga Charan, aged about 47 years,  
S/o Sri Jagram,  
R/o Village – Machhari, Post-Daurala,  
District-Meerut (UP)
  4. Sohal Pal, aged 45 years,  
S/o Sri Nain Singh,  
R/o Village – Machhari, Post-Daurala,  
District-Meerut (UP)
  5. Tiraj aged about 38 years,  
S/o Sri Karan Singh,  
R/o Village – Machhari, Post-Daurala,  
District-Meerut (UP)
  6. Harendra aged about 41 years,  
S/o Sri Ganga Bal,  
R/o Village – Machhari, Post-Daurala,  
District-Meerut (UP)
- Appellants

Versus

1. Indian Council of Agricultural Resewarch,  
Krishi Bhawan, Dr. Rajendra Prasad Road,  
New Delhi-110001 through its Secretary
2. ICAR-Central Potato Research Institute,  
(Indian Council of Agricultural Research)  
Shimla-170001 (HP) through its Director
3. ICAR- Central Potato Research Institute,  
(Indian Council of Agricultural Research)  
Modipuram-250110, Meerut (UP)

Through its Joint Director/Scientist-Incharge

- Respondents/applicants

**ORDER** (In Circulation)

This Review Application has been filed by the review Applicants – respondent in OA seeking review of order dated 13.07.2018 passed in Original Application (OA) No.1385/2016.

2. The facts, in brief, are that while adjourning the OA *sine die*, this Tribunal had considered the factual position narrated by the learned counsel for the parties after hearing them at length. Now the Review Applicants have filed the present RA bearing No.165/2018 for reviewing the indicated order, mainly on the grounds which have already been considered by this Tribunal in detail while adjourning the OA *sine die*. It is mentioned that while hearing the matter, learned counsel for the review applicants in para 5 of the judgment have relied upon the orders of the Hon'ble High Court dated 22.12.2014 and 24.10.2016 passed in Writ Petition (Civil) No. 9202/2014 on the basis of which the matter was adjourned sine die. In the present RA also, he has raised the very same ground for review of the order, which cannot be permitted in this RA. Moreover, 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.

3. 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 applicants 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 ***Parsion 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.**

4. 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”.

5. 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

applicants have not pointed out any error apparent on the face of record warranting a review of the order dated 13.07.2018 (pg. 18 to 22 of the RA). Moreover, the issues now sought to be urged, were subject matter of the OA, which has been adjourned *sine die* with liberty to the parties to revive the OA after the order is passed in the Writ Petition.

6. In the light of the aforesaid reasons, 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 in circulation. No costs.

**(NITA CHOWDHURY)**  
**MEMBER(A)**

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