

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

...

**RA No.060/00047/2018 IN
OA No.060/00160/2018 &
MA No.060/01155/2018**

Chandigarh, this the 13th day of September, 2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

U.T. Chandigarh through
Senior Superintendent of Police
(Traffic and Security),
Chandigarh.

**....Review Applicant
(Respondents in OA)**

(Present: Mr. Aseem Rai, Advocate)

VERSUS

Dilsher Singh,
Inspector (257/CHG),
Chandigarh Police,
Chandigarh.

**....Review Respondent
(Applicant in OA)**

(Present: Mr. Ranjivan Singh, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The present Review Application (RA) has been filed under Rule 22 (3) (f) of the Administrative Tribunals Act, 1985, read with Order 47, Rule 1 CPC / Rule 17 of the CAT (Procedure) Rules, 1987, for review of order dated 06.03.2018 (Annexure RA-1) passed by this Court.

2. Along with RA, the review applicant has also moved an MA No.060/01155/2018 for condonation of delay of 117days, in filing the accompanying application.

3. We have heard learned counsels for the parties.

4. Learned counsel for the review applicant argued that the O.A. was disposed of on 6.3.2018, with a specific direction to the competent authority to complete the departmental enquiry initiated against the applicant, in pursuance of impugned charge-sheet dated 30.1.2018 (Annexure A-13), in all respect, subject to providing the full cooperation of the applicant, by passing a speaking and detailed order within a period of four months from the date of receipt of copy of the order, filing which operation of the impugned charge-sheet would be deemed to have been stayed for all intents and purposes. The learned counsel for the review petitioner argued that the period of 4 months provided in the order escaped the notice of the authorities and as such the delay in filing the O.A. be condoned and R.A. be allowed by grant of further time of six weeks to the review applicants to complete the process.

5. Per contra, learned counsel for the respondent (applicant in O.A) submitted that the present R.A. itself is not maintainable, because in the review application, they have not taken any ground much less cogent one to review the order under reference. In fact, the time period of 4 months was prescribed and it was very crucial as after that the charge sheet would stand stayed. Thus, neither any clerical error has been mentioned in the review application nor any cogent reasons have been given for condonation of delay in filing the R.A. He thus prayed that the applications be dismissed.

6. We have given our thoughtful consideration to the entire matter.

7. We are in full agreement with the pleas taken by learned counsel for the applicant in O.A (respondent in R.A.), that there is no merit, at all, either in the application seeking condonation of delay or even in review plea, for review of the order dated 6.3.2018. Admittedly, in the earlier order time limit of 4 months was provided in the order to complete the proceedings, else the charge sheet would stand stayed. Now, the respondents in O.A. in the guise of review plea, seek extension of time for compliance of the order. They have not filed any M.A. seeking extension of time. Extension of time cannot be sought in a plea seeking review of the order. The nature and character of pleadings in Review Application is altogether different.

8. What one cannot possibly dispute here is that an 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.

9. 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.

10. The pleas taken by review applicant does not fall within the limited scope of review under Order XLVII, Rule 1 of the Code of Civil Procedure, 1908 read with the provisions of Section 22(3) 1 (f) of the Administrative Tribunals Act, 1985. We cannot sit as appellate authority over the order passed earlier by a Co-ordinate Bench. What we can do is only to correct or rectify a mistake, if same is apparent on the face of the record.

11. The Hon'ble Apex Court in the case of **Inderchand Jain (dead) through LRs Versus Moti Lal (dead) through LRs** (2009 (14) S.C.C. page 663) has held that "*such an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there exists an error apparent on the face of the record but also if the same is necessitated on account of some mistake or for any other sufficient reason*".

12. It is apparent that the applicant in R.A. has not been able to bring on record any error, much less, apparent on face of record, which may warrant any review. Secondly, the ground that the time limit given in the order, which is most crucial element in the order, as in action within fixed time would result in staying of charge-sheet, escaped their notice is too far fetched and cannot be accepted for condoning the delay.

13. In the wake of above noted facts and law, we see no reasons to entertain this petition, as such the order in question is not required to be reviewed. Accordingly, the instant RA as well as MA for condonation of delay are dismissed. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 13.09.2018.

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