

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

REVIEW APPLICATION NO.200/00009/2018
(in OA No.200/00093/2018)

Jabalpur, this Monday, the 2nd day of April, 2018

HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER

Dinesh Nasa, S/o Late Shri P.L.Nasa, Aged about 67 yrs,
Ex. Principal, R/o T-5/351, Chanakya Apts, Trilanga,
Bhopal (M.P.)-462039 - **APPLICANTS**

Versus

1. The Union of India Through Secretary,
Ministry of Tourism, Transport Bhawan, Pearl Street,
New Delhi-Pin 110001

2. Secretary-Tourism, State of M.P. (Chairman IHM)
Bhopal Govt. Vallabh Bhawan, Bhopal-462004

3. Managing Director, MP State Tourism Department,
Priyatam Bhawan, Bhadbhada Road, Bhopal-462003

4. Principal (IHM), Institute of Hotel Management,
Bhopal-462016

5. Shri Sharad Nautiyal, Sr. Lecturer, Institute of Hotel
Management, Bhopal-462016 - **RESPONDENTS**

O R D E R (in circulation)

By Navin Tandon, AM-

This Review Application has been filed to review the order dated 02.02.2018 passed by this Tribunal in Original Application No.200/00093/2018, whereby the said Original Application was dismissed as withdrawn.

2. The contents of the order dated 02.02.2018 passed by this Tribunal in Original Application No.200/00093/2018 read thus:

“Learned counsel for the applicant seeks permission to withdraw this Original Application with liberty to approach appropriate forum.

(2). Permission is granted.

(3). Accordingly, this Original Application is dismissed as withdrawn with liberty as aforesaid.”

3. Now, by filing the present review application it is contended that “the counsel of the applicant committed the mistake while withdrawing the original application instead of pressing the same on merits and the said mistake is bona fide and unintentional therefore deserve to be condoned”, and that “if the order dated 2/2/18 passed in original application No.200/00093/2018 will not be recall/reviewed applicant will suffer irreparable losses because applicant do not have any other forum to agitate his grievance”.

4. It may be noted that scope of review under the provisions of Order 47 Rule 1 of Civil Procedure Code, which provision is analogous to Section 22 (3) (f) of Administrative Tribunals Act, 1985 is very limited.

5. The power of review available to this Tribunal is the same as has been given to a Court under Section 114 read with Order 47 Rule 1 of the Civil Procedure Code. The apex court has clearly stated in **Ajit Kumar Rath Vs. State of Orissa and others**, (1999) 9 SCC 596 that: “a review cannot be claimed or asked for merely for a fresh hearing or arguments or

correction of an erroneous view taken earlier, that is to say, the power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it". This Tribunal can not review its order unless the error is plain and apparent. It has clearly been further held by the apex court in the said case that: "[A]ny other attempt, except an attempt to correct an apparent error or an attempt not based on any ground set out in Order 47, would amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment".

6. It is also settled principle of law that the Tribunal cannot act as an appellate court for reviewing the original order. This proposition of law is supported by the decision of the Hon'ble Supreme Court in the case of **Union of India Vs. Tarit Ranjan Das**, 2004 SCC (L&S) 160 wherein their lordships have held as under:

"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 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".

7. Hon'ble Supreme Court in the matters of **State of West Bengal and others Vs. Kamal Sengupta and another**, (2008)2 SCC (L&S) 735

scanned various earlier judgments and summarized the principle laid down therein, which reads thus:

“35. The principles which can be culled out from the above-noted judgments are:

(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 CPC.

(ii) The Tribunal can review its decision on either of the grounds enumerated in Order 47 Rule 1 CPC.

(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.

.....”

8. Since no error apparent on the face of record has been pointed out by the applicant in the instant Review Application, warranting review of the order, in terms of the law laid down by the Hon’ble Supreme Court in the aforementioned cases, the present Review Application is misconceived and is liable to be dismissed.

9. In the result, the Review Application is dismissed at the circulation stage itself.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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