

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

REVIEW APPLICATION NO.200/00007/2018
(in OA No.200/00030/2018)

Jabalpur, this Wednesday, the 25th day of April, 2018

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

Gaurav Rajput S/o Shri Kamal Singh Rajput, Aged about 37 years,
R/o 15th Battalion house, Marimata Chowraha, Airport Road,
Indore-452005- (M.P.) **- Applicant**

Versus

1. Union of India, Ministry of Home Affairs, Through its Secretary,
Central Secretariat, New Delhi-110 001
2. Union Public Service Commission, Through its Chairman, Dholpur
House, Shahjahan Road, New Delhi-110 069
3. The State of Madhya Pradesh, Through its Principal Secretary,
Department of Home Affairs, Vallabh Bhawan, Bhopal (M.P.)-462001
4. The Director General of Police, Madhya Pradesh Police Head
Quarters, Jehangirabaad, Bhopal (M.P.)-462008
5. Shri Sanjay Kumar, Office of Deputy Inspector General of Police
(SAF), Gwalior (M.P.)-474003
6. Shri Irshad vali, Office of Deputy Inspector General of Police,
Balaghat Range, Balaghat (M.P.)-481001
7. Shri Rakesh Kumar Jain, Office of Deputy Inspector General of Police,
Sagar Range, Sagar (M.P.)-470001
8. Shri Anil Maheshwari, Office of Deputy Inspector General of Police,
(DIG, HQ, SAF, PHQ, Bhopal (M.P.)-462001.

9. Shri Deepak Vema, Office of Deputy Inspector General of Police (DIG, SAF, Central Range), Bhopal (M.P.)-462001
10. Shri Ashok Kumar, Office of Deputy Inspector General of Police, (DIG, Crime Against Women), Gwalior (M.P.)-474003
11. Shri M.S.Sikarvar, Office of Deputy Inspector General of Police, (DIG, AJK) Bhopal (M.P.)-462001
12. Shri Prem Babu Sharma, Office of Deputy Inspector General of Police, (DIG, SISF PHQ), Bhopal (M.P.)-462001
13. Shri A.K.Pandey, Office of Deputy Inspector General of Police, (DIG, Khargone Range), Khargone-(M.P.)-451001
14. Shri R.A.Choubey, Office of Deputy Inspector General of Police, (DIG Selection PHQ) Bhopal (M.P.)-462001
15. Shri M.S.Verma, Office of Deputy Inspector General of Police, (DIG, Gwalior Range), Gwalior (M.P.)-474003.

-Respondents

ORDER (in circulation)

By Navin Tandon, AM-

This Review Application has been filed by the applicant to review the order dated 26.02.2018 passed by this Tribunal in Original Application No.200/00030/2018.

2. The operative portion of the order dated 26.02.2018 passed by this Tribunal in Original Application No.200/00030/2018 read thus:

“10. In this view of the matter, the present Original Application is liable to be and is allowed. The official respondents are directed to consider the claim of the applicant for promotion to the post of DIG, as on the date when his immediate juniors were considered,

and on being found fit, he be promoted to the post of DIG with effect from the date when his immediate juniors were promoted along with all consequential benefits including seniority. No costs”.

3. Now, the applicant has filed the present review application on the ground that the Tribunal while allowing the Original Application has not fixed a time frame for the respondents to reconvene a DPC for considering the case of the applicant.

4. We may at the outset point out that the Govt. of India, Department of Personnel & Training in their O.M.No.A-11019/6/87-AT dated the 14th August, 1987 has already stipulated that “the orders of the Tribunal should be implemented within the time-list prescribed by the Tribunal itself **or within six months of the receipt of the order where no such time-limit is indicated by the Tribunal**”.

5. 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.

6. 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”.

7. 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”.

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 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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