

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**RA No.060/00061/2017 IN
OA No.060/00983/2016**

Chandigarh, this the 25th day of February, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Shri Pala Ram S/o Sh. Bhaktar Singh, aged 68 years, Retired Permanent Labourer, R/o Village Machonda, PO Kuldip Nagar, Tehsil & Distt. Ambala, Haryana, Group D.

....Review Applicant

Present: Mr. Rohit Seth, Advocate

VERSUS

1. Union of India through its Secretary, Govt. of India, Ministry of Defence, South Block, New Delhi.
2. Commanding Officer, 448, COY ASC Pet P1, ASC attached to HQ 448 Coy ASC (Pet), Ambala Cantt.133001.
3. The Principal Controller of Defence Accounts (Pension), Allahabad.
4. The Branch Manager, Allahabad Bank, 6, Friend Colony, Jagadhri Gate, Ambala City-134003.

....Review Respondents

Present: Mr. K.K. Thakur, Advocate for respondents 1-3

**Ms. Jaspreet Kaur, Advocate proxy for Mr. Nakul Sharma,
Advocate for respondent no. 4**

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J):-

The present Review Application (RA) has been filed by the original applicant, Pala Ram, under Section 22 (3) (f) of the Administrative Tribunals Act, 1985, to review order dated 12.09.2017, whereby Original Application No.060/00983/2016 filed by him was disposed of as having been rendered infructuous. It is stated that while disposing of the O.A. this Court has not awarded the interest, therefore, the present R.A. be allowed and he be held entitled to interest.

2. I have perused the R.A. as well as the file of the O.A. and carefully considered the matter.

3. The prayer of the applicant for grant of interest has already been considered by this Court and a categorical finding to that effect has been recorded in para no. 8 for declining the relief, as applicant himself was at fault in losing his claim.

4. What one cannot possibly dispute is that an order can only be reviewed if the case falls squarely within the legal ambit of review and not otherwise. Order 47 Rule 1 of Code of Civil Procedure, 1908 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 the 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, or for any other sufficient reason.

5. 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 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.

6. 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."

7. Meaning thereby that an order can only be reviewed if case strictly falls within the pointed domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise. It is thus clear that review jurisdiction is a very limited one. It is not meant for rehearing of the case nor is it in the nature of appeal.

8. From the grounds mentioned in the R.A., I find that the case does not fall within review jurisdiction under Order 47 of the Code of Civil Procedure as applicant is trying to reopen the case. There are no new facts or material on evidence. There is no error apparent on the face of record, so as to invoke review jurisdiction.

9. In view of all above, I find no ground to review order dated 12.09.2017. R.A. is bereft of any merit and is accordingly dismissed.

(SANJEEV KAUSHIK)

MEMBER (J)

Dated: 25.02.2019.

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