CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

REVIEW APPLICATION NO. 291/01/2019
in
(ORIGINAL APPLICATION NO. 291/390/2015)

Date of Order: 22.02.2019

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Lokesh Singh Gujar son of Shri Ram Singh Gujar, aged about 25 years, by caste Gujar, resident of Ganesh Nagar, Agra Road, Dausa (Raj.) – 303303.

.. Applicant

Versus

1. The Union of India through Secretary, Ministry of Railway, New Delhi.
2. The Personnel Officer, Railway Recruitment Cell, Northern Railway, Lajpat Nagar-I, New Delhi.
3. The Assistant Personnel Officer, Railway Recruitment Cell, Northern Railway, Lajpat Nagar-I, New Delhi.

.. Respondents

(Presented by Mr. Anupam Agarwal, Advocate)

ORDER (By Circulation)

Per: SURESH KUMAR MONGA, JUDICIAL MEMBER

The present Review Application has been filed by the respondents seeking review of the order dated 14.12.2018 passed by this Tribunal in OA No. 291/390/2015 (Lokesh Singh Gurjar vs. Union of India & Ors.).

2. After considering the assertions made in the Review Application, we are of the view that the present Review

Application is wholly misconceived as there is no error apparent on the face of record warranting the review of order dated 14.12.2018. The Hon'ble Apex Court in the case of Ajit Kumar Rath vs. State of Orissa, reported in AIR 2000 SC 85 has held as under:-

> "The power of review available to the Tribunal is the same as has been given to a court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restrictions indicated in Order 47. The power can be exercised on the application of a person on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the face of the record or for any other sufficient reasons. 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."

3. Further, the Hon'ble Apex Court in the case of Smt. Meera Bhanja vs. Nirmal Kumari, reported in AIR 1995 SC 455 observed that reappreciating facts/law amounts to overstepping the jurisdiction conferred upon the Courts/Tribunal while reviewing its own decision.

4. By way of present Review Application, the respondents/review applicants are claiming that this Tribunal should re-appreciate the facts and material placed on record and render a judgment on merits, which is beyond the purview of this Tribunal while exercising the powers of review conferred upon it.

5. We do not find any error apparent on the face of record to review the order dated 14.12.2018 and, therefore, in view of the above legal position, the Review Application is dismissed by circulation.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat