CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 72/2019 in
OA 696/2014

New Delhi this the 11th day of March, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)

Ex.Nursing Orderly AK Bhagat,
Aged about 48 years,
S/o Late Sh. Indra Dev Bhagat
R/o Room No. 403, Sai Dham Apartment,
Sector 70, Noida,
Uttar Pradesh-201307. … Applicant

VERSUS

Union of India through the

1. The Secretary,
   Ministry of Home Affairs,
   North Block, New Delhi.

2. The Director General,
   Central Industrial Security Force,
   CGO Complex, Lodhi Road,
   Block No.13, New Delhi.

3. Inspector General,
   Central Industrial Security Force,
   Ministry of Home Affairs, C.I.S.F.
   Campus, Saket, New Delhi.

4. Senior Commandant,
   C.I.S.F 5th Res. Bn,
   Ghaziabad. … Respondents

O R D E R (BY CIRCULATION)

Hon'ble Mr. S.N.Terdal, Member (J):

In the present Review Application filed under Section 22(2)(3) (f) of the Administrative Tribunals Act, 1985 read with Section 114 of CPC and Order 47 of CPC, the applicant has sought review of the order dated 23.01.2019 in OA No.696/2014.

2. We have perused the RA. The scope of review lies in a narrow compass as prescribed under Order XLVII, Rule (1) of CPC. None of the grounds raised in the RA brings it within the scope and purview of review. It appears that the review applicant is trying to re-argue the matter afresh, as if in appeal, which is not permissible. If in the opinion of the review applicant the order passed by the Tribunal is erroneous, the remedy lies elsewhere. Under the garb of review, the review applicant cannot be allowed to raise the same grounds, which were considered and rejected by the Tribunal while passing the order under review.

3. Existence of an error apparent on the face of the record is *sine qua non* for reviewing the order. The review applicant has failed to bring out any error apparent on the face of the order under review.

4. On the power of the Tribunal to review its own orders, the Hon'ble Supreme Court has laid down clear guidelines in its judgment in the case of **State of West Bengal & others Vs. Kamal Sengupta and another**, [2008 (3) AISLJ 209] stating therein that *"the Tribunal can exercise powers of a Civil Court in relation to matter enumerated in clauses (a) to (i) of sub-section (3) of Section (22) of Administrative Tribunal Act including the power of reviewing its decision."*

At Para (28) of the judgment, the principles culled out by the Supreme Court are as under:-

> *"(i) The power of Tribunal to review it 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 specific grounds

(iv) An error which is not self-evident and which can be discovered by a long process of reasoning, cannot be treated as a error apparent in the fact of record justifying exercise of power under Section 22(2) (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 a larger bench of the Tribunal or of a superior court.

(vii) A decision/order cannot be reviewed under Section 22(3)(f).

(viii) 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.

(ix) 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."

5. For the reasons discussed in the foregoing paras, We do not find any merit in the RA. Accordingly, the RA is dismissed in circulation.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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