

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**R.A. No.75/2018 In
O.A. No.3194/2017**

New Delhi this the 22nd day of February, 2019

**HON'BLE MS. NITA CHOWDHURY, MEMBER (A)
HON'BLE MR. S.N. TERDAL, MEMBER (J)**

1. Jitender (aged about 37 years)
Group B, CAT-SC
s/o Prem Singh
r/o H.No.37, 2nd floor
Pocket 5, Sector 22, Rohini, Delhi
2. Braham Prakash (aged about 35 years)
Group B, CAT-OBC
s/o Mahender Singh
r/o Plot No.72, VPO VJWA
New Delhi – 73
3. Mukesh (Aged 33 years)
Group B, CAT-OBC
s/o Rajbir Singh
r/o H.No.286, Near MCD School
Ladpur, New Delhi
4. Neeraj (Aged 33 years)
Group B, CAT-OBC
s/o Ashok Kumar
r/o H.No.300/B, Kanjhawla
New Delhi
5. Meenakshi Rani (Aged 34 years)
Group B, CAT-OBC d/o Harpal Singh
r/o J-228 Saket
New Delhi – 17
6. Surender Kumar (Aged 33 years)
Group B, CAT-OBC
s/o Saheb Singh
r/o Plot No.72, VPO Jahri
Distt. Sonipat, Haryana – 131001
7. Sanjeeta (Aged 36 years)
Group B, CAT-OBC

d/o Subhash Dabas
r/o Saktan, Bawana
Delhi – 110 0812

8. Sandeep Kumar (Aged 34 years)
Group B, CAT-OBC
s/o Jagat Singh
r/o Saktan, Bawana, Delhi – 110 081
9. Sheema Shokeen (Aged 33 years)
Group B, CAT-OBC
d/o Raj karan
r/o Chhawla, Delhi 110 081
10. Rajesh (Aged 32 years)
Group B, CAT-Gen
s/o Shri Krishna
r/o H.No.324, VPO Ghevra, Delhi – 110 081
11. Rajesh Kumar (Aged 35 years)
Group B, CAT-SC
s/o Ramesh Kumar
r/o H.No.609, Khera Kalan
Near Majhid, Delhi – 110 081
12. Asha Rani (Aged 34 years)
Group B, CAT-OBC
d/o Surender Singh
r/o H.No.1136, Gali No.5-B
Swatantra Nagar
Narela, Delhi – 110 081
13. Jasvinder kaur Rayat (Aged 34 years)
Group B, CAT-OBC
d/o Surjeet Singh Rayat
r/o C-35/B, Anand Vihar
Uttam Nagar, New Delhi
14. Meena Kumari (Aged 33 years)
Group B, CAT-OBC
d/o Jagat Singh
r/o H.No.63-A
Near Chhota Shiv Mandir
Alipur Delhi – 110 036
15. Rachna (Aged 35 years)
Group B, CAT-GEN
w/o Mahaveer

r/o H.No.784, Tower Wali Gali
Milhan Pana Nahri
Sonipat, Haryana – 131103

16. Naresh Kumar (Aged 35 years)
Group B, CAT-OBC
s/o Ram Kanwar
r/o H.No.1244, Old Syndicate Bank
Wali Gali, New Petrol Pump
Bawana, Delhi 3
17. Mukesh Mali (Aged 35 years)
Group B, CAT-OBC
s/o Ramphool Mali
r/o Jaipur Road Ideegh Ke Pass Mali
Mohalla W/N5 Gamgaspur City
Distt. Sawai Madhopur, Rajasthan ..Applicants

(Mr. J S Mann, Advocate)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
5th Floor, Delhi Sachivalaya
New Delhi
2. Delhi Subordinate Services Selection Board
Through its Chairman, GNCTD
F-18, Karkardooma
Institutional Area, Delhi – 92
3. South Delhi Municipal Corporation
Through its Commissioner
4th Floor, Civic Centre
Minto Road, New Delhi – 2 - Respondents

(By Advocates: Mr. Anuj Kr. Sharma & Mr. RK Jain)

ORDER (Oral)

Hon’ble Ms. Nita Chowdhury, Member (A):

The facts, in brief, are that while deciding the Original Application (OA) bearing No.3194/2017, this Tribunal considered all the issues raised by the Review

Applicant and dismissed the same on 09.02.2018 on merits in which the following orders were passed:-

“Counter affidavit has been filed on behalf of respondent Nos. 1 & 2 wherein it has been specifically stated that all the applicants have been issued roll numbers and admit cards. Mr. J S Mann, learned counsel for applicants, however, submits that two of the applicants, namely, Mukesh s/o Rajbir Singh (applicant No.3) and Meenakshi Rani d/o Harpal Singh (applicant No.5) have not been issued roll numbers and admit cards. From the perusal of counter affidavit, we find that respondent Nos. 1 & 2 have given details, in a tabulated form, in respect of the applicants, who have been given the roll numbers and admit cards and the names of these two applicants find mention therein at Sl.Nos.3 & 5 (Roll Nos. 1770106487 & 1770106491 respectively).

2. Though this O.A. has been filed seeking direction for participation in the examination, which was scheduled to be held on 29.10.2017, however, Mrs. Sangita Rai, learned counsel appearing for respondent Nos. 1 & 2 submits that the said examination has been cancelled.

3. In this view of the matter, this O.A. is rendered infructuous. In the event the examination is re-scheduled and the applicants are not issued admit cards, they shall have liberty to approach this Tribunal.”

3. Now the Review Applicant has filed the present RA bearing No.75/2018 for reviewing the indicated order, mainly on the grounds which have already been considered by this Tribunal while dismissing the OA.

4. It is now well settled principle of law that the earlier order can only be reviewed if the case squarely falls within the legal ambit of review and not otherwise. Order 47 Rule

1 CPC 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 his knowledge or could not be produced by the review applicant 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.** 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 and 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.***

5. 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”.

6. Meaning thereby, the original order can only be reviewed if case strictly falls within the domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise. In the instant RA, the review applicant has not pointed out any error apparent on the face of record warranting a review of the order dated 09.02.2018. Moreover, the issues now sought to be urged, were subject matter of the OA and have already been adjudicated upon by the Tribunal.

7. In the light of the aforesaid reasons, as there is no apparent error on the face of record, so no ground is made out to entertain the present Review Application, which is accordingly dismissed. No costs.

(S.N. TERDAL)
Member (J)

(NITA CHOWDHURY)
Member (A)

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