

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**R.A. No.83/2019
MA NO. 1028/2019
In
O.A. No.586/2017**

New Delhi this the 19th day of March, 2019

HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Paramjeet Kaur,
W/o Sarabjeet Singh,
D/o late Smt. Kulwant Kaur Mokha,
R/o J-13/23-A, ,
Rajouri Garden, New Delhi

- Review Applicant

Versus

Government of NCT of Delhi, through

1. The Chief Secretary,
Government of NCT of Delhi,
Delhi Secretariat, ITO
New Delhi
2. Director of Education,
Dte. of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi
3. RDE (C&W),
Government of NCT of Delhi,
Timarpur, Delhi

- Respondents

ORDER BY CIRCULATION

Hon'ble Ms. Nita Chowdhury:

MA No. 1028/2019 has been filed by the applicant seeking condonation of delay in filing the Review Application. For the reasons stated therein, the MA is allowed. Accordingly, the Review is taken up for consideration.

2. We have examined the Review Application. The Review Application seeks to re-agitate the issues which were already

considered and decided by us in the OA 586/2018 vide order dated 09.10.2018 in which the following orders were passed:-

“5. After hearing the learned counsel for the respondents and also perusing the pleadings on record, this Court unable to accept the contention of the respondents that the instant OA is barred by limitation, as the claim which was submitted by the applicant in 2008 was vigorously pursued by her and ultimately by intervention of Public Grievance Commission vide order dated 21.7.2015, the claim of amount of Rs.9,72,218/- was directed to be considered sympathetically by the Secretary, H&FW), Govt. of NCT of Delhi, which they considered and accordingly, a cheque dated 30.3.2016 was issued by the respondents, which was received by the applicant on 5.4.2016 as the requisite formalities were done on the said date by the applicant. From the document at page 62 of the paper book, it is evident that requisite documents as required for release of payment were made available by the applicant to the respondents only on 5.4.2016 and cheque dated 30.3.2016 was issued on receipt of the said documents on 5.4.20165. As such the applicant is not entitled to interest on the alleged delayed payment of medical reimbursement.

6. In the result, for the foregoing reasons, the present OA, being devoid of merit, is dismissed. There shall be no order to costs.”

3. We also do not find any error apparent on the face of the record. It is 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 ***Parson 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.

4. 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”.

5. 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. Moreover, the issues now sought to be urged, were subject matter of the OA and have already been adjudicated upon by the Tribunal on merits.

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

(NITA CHOWDHURY)
MEMBER (A)

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