

**Central Administrative Tribunal
Principal Bench**

RA No.160/2019

in

OA No.159/2018

New Delhi, this the 17th day of September, 2019

Hon'ble Mr. Mohd. Jamshed, Member (A)

Suresh Kumar Azad,
S/o Late Shri Chatru Singh,
Ex Dy FA&CAO/C/JAT,
Under G.M. Northern Railway,
Baroda House, New Delhi.

.... Review Applicant

Vs.

Union of India & Others Through,

1. FA&CAO/C/USBRL,
Northern Railway,
Jammu Tawi (J&K).

2. General Manager/N.Rly,
H.Qrs Officer Northern Railway,
Baroda House, New Delhi.

... Respondent

: O R D E R (By Circulation) :

Mohd. Jamshed, Member (A):

The present RA No. 160/2019 has been filed against the order passed in OA No. 159/2018 on 17.07.2019. The same is being considered in terms of Rule 15 of the CAT (Procedure) Rules, 1987. The applicant by filing this RA is seeking review of the order dated 17.07.2019 in OA No. 159/2018.

2. I have carefully considered the plea made in the RA, which is nothing more than reiteration of various points raised in the OA. The review applicant is questioning the conclusion arrived at by this Tribunal in the said order. Due consideration was given to all averments made in the order passed in the OA No. 159/2018 and any further deliberations on these points would be akin to reconsidering the same and going into the merits of the case by re-writing another judgment. This would also result in the Reviewing Authority acting as Appellate Authority which is not permissible in judicial review.

In the case of **Ajit Kumar Rath vs. State of Orissa and others**, 1999 (9) SCC 596, the Hon'ble Supreme Court has observed as under:-

*“The provisions extracted above indicate that 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 reason. 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. **It may be pointed out that the expression "any***

other sufficient reason" used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule.

Any other attempt, except an attempt to correct an apparent error or an attempt not based on any ground set out in Order 47, would amount to an abuse of the liberty given to the Tribunal under the Act to review its judgment."

[Emphasis added]

3. The same points were further reiterated by the Hon'ble Supreme Court in the case of **Gopal Singh Vs. State Cadre Forest Officers' Assn. and others**, (2007 (9) SCC 369), the Hon'ble Supreme Court observed as follows:-

"25. The learned counsel for the State also pointed out that there was no necessity whatsoever on the part of the Tribunal to review its own judgment. Even after the microscopic examination of the judgment of the Tribunal we could not find a single reason in the whole judgment as to how the review was justified and for what reasons. No apparent error on the face of the record was pointed, nor was it discussed. Thereby the Tribunal sat as an appellate authority over its own judgment. This was completely impermissible and we agree with the High Court (Justice Sinha) that the Tribunal has traveled out of its jurisdiction to write a second order in the name of reviewing its own judgment. In fact the learned counsel for the appellant did not address us on this very vital aspect."

4. In view of the above mentioned and having considered the submissions made in the RA, it is observed that the applicant has not been able to point out, as to whether, any specific provision of law or any fact borne out of record was not considered. The review applicant has not been able to demonstrate whether any specific provision of law argued by him has missed the attention of the Tribunal while passing the order in the OA.

5. Thus on the basis of the observations made above, I am of the view that the applicant has not been able to point out any error apparent on the face of record. Rather, the review applicant is trying to reargue the whole case, which is not permissible in view of the aforesaid observations of the Hon'ble Supreme Court. As such this RA is devoid of merit and the same is accordingly dismissed in circulation.

(Mohd. Jamshed)
Member (A)

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