

**Central Administrative Tribunal
Principal Bench**

RA No. 77/2008

In

OA No. 1303/2003

New Delhi this the 3rd day of June, 2008

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri C.R. Mohapatra, Member (A)

1. Union of India,
Through Secretary,
Ministry of Railway,
Rail Bhawan, New Delhi.
2. Member Engineering,
Railway Board,
Rail Bhawan, New Delhi.
3. General Manager (CON),
Maligaon, N.F. Railways,
Guwahati.

-Applicants.

-VERSUS-

Shri P.K. Gupta,
Late Shri Bhagwan Das Gupta,
R/O 120, Mithila Apartment,
76, Patparganj, Delhi-110 092.

-Respondent.

O R D E R (By Circulation)

Shri Shanker Raju, Member (J):

This RA is directed against order dated 22.2.2008. The ground raised is that the Tribunal has taken two penalties into consideration and allowed the case on the grounds, which are not correct in law.

2. In a manner, an attempt has been made to re-agitate the issue.

3. If erroneosity in law is the ground, remedy lies elsewhere.
RA does not come within the ambit of Section 22(3) (f) of the

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Administrative Tribunals Act, 1985 and is accordingly dismissed
in circulation. No costs.

(C.R. Mohapatra)
Member (A)

S. Raju
(Shanker Raju)
Member (J)

Lg/

I have gone through the order dated 3rd June, 2008 passed in the above RA vis-à-vis the original records of the OA No. 1303 of 2003. I am in complete agreement with the conclusion that "this RA does not come within the ambit of Section 22 (3) (f) of the Administrative Tribunals Act, 1985 and is accordingly dismissed in circulation." To fortify the above contention, I would like to supplement/add that review is not a substitute of an appeal and the parties, while seeking review of an order, must come within the four corner/ingredients of Order 47, Rule 1, CPC. This position has amply been made clear by the Hon'ble Apex Court of India in the case of **A.T.Sharma v A.P. Sharma**, AIR 1979 SC 1074 by holding that the power of review may not be exercised on the ground that the decision was erroneous on merits, as that would be the province of a Court of Appeal and that a power of review is not to be confused with appellate power, which may enable an Appellate Court to correct all manner of errors committed by the Subordinate Court. In the case of **Sow Chandra Kanta and Another**, AIR 1975 SC 1500, the Hon'ble Apex Court of India have also held that review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. Also it is trite law that if such a groundless Review Application is permitted, then every disappointed litigant may avenge his defeat by a routine review petition. Hence, there is no ground to entertain this Review.



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At the same time, it is seen that there has been inadvertent/typographical error in the order in paragraph-2 to the extent that **"Applicant vide memorandum issued under Rule 14 of the CCS (CCA) Rules, 1965 dated 15.09.1997 was proceeded against....."** which is substituted and read as under:

"2. Applicant vide Memorandum issued under Rule 9 of the Railway Service (Pension) Rules, 1993 dated 29-09-2000 was proceeded against".


(C.R. MOHAPATRA)
MEMBER (A)