
(2023) 01 CAT CK 0008

In the Central Administrative Tribunal

Case No : Review Application No. 330, 00043 Of 2022 In Original Application No. 451 Of 2020

Ashhwani Kumar

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 04-01-2023

Acts Referred:

Central Administrative Tribunal Act, 1985 — Section 17
Hindu Adoption And Maintenance Act, 1956 — Section 16
Code Of Civil Procedure, 1908 — Order 47 Rule 1

Citation : (2023) 01 CAT CK 0008

Hon'ble Judges : Om Prakash VII, Member (J)

Bench : Single Bench

Advocate : S.M. Ali

Final Decision : Dismissed

Judgement

Om Prakash -VII, Member(J)

1. The present Review Application is preferred by the applicant of the O.A. under Section Rule 17 of Central Administrative Tribunal Act, 1985 for reviewing the order dated 17.11.2022 passed in O.A. No. 451/2020, by which the Tribunal had dismissed the O.A. on merit after hearing both the learned counsel for the parties at length.

2. The ground taken by the applicant for reviewing the order dated 17.11.2022 are that the order dated 17.11.2022 is perverse and against the pleadings of the case. It is also stated that judgment relied upon by the Tribunal are not applicable in the present case. It is further stated that applicant was adopted by the mother on 20.10.2011 under Section 16 of the Hindu Adoption and Maintenance Act, 1956 and registered adoption deed cannot be ignored and disputed by the respondents.

3. While deciding the O.A., this Tribunal have considered all the relevant points.

In para 3 of the judgment, it is clearly mentioned that adoption deed was not presented before the

Railway Administration by late Smt. Dhanpati Devi during her life time and has been presented after a lapse of six years and has not been executed properly in accordance with law. In para 16 of the judgment, it has been mentioned that Smt. Dhanpati Devi had adopted the applicant on 20.10.2011 from her daughter Smt. Shanti Devi and son –in-law just before one month and twenty days before her death. She had not given any information about the adoption to the department during her life time. It is also mentioned in the judgment that applicant has received retiral dues of the deceased amounting to Rs. 743618/- and also getting family pension of Rs. 15697/- per month. At the time of death of deceased, applicant was minor, when he became major, he applied for compassionate appointment, which is not tenable in the eyes of law and in the light of judgments referred in the aforesaid judgment.

4. By means of the present review application, the applicant has tried to re-open the entire issue afresh.

5. The scope of review is very limited. As observed by the Hon'ble Apex Court in the case of Meera Bhanja vs. Nirmala Kumari Choudhury reported in (1995) 1 SCC 170, that review proceedings cannot be considered by way of an appeal and have to be strictly continued to the scope and ambit of Order 47 Rule 1 of CPC and review petition is required to be entertained only on the ground of error apparent on the face of record. The Hon'ble Apex Court has also been pleased to observe that while deciding the review, the matter cannot be re-apprised and only typographical error apparent on record can be reviewed.

6. The Hon'ble Apex Court in the case of Inder Chand Jain(Dead) Through Lrs, Vs. Motilal (Dead) Through Lrs. Reported in (2009) 14 SCC 663 has been pleased to observe as under:-

10. It is beyond any doubt or dispute that the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law or pronounced, it should not be altered. It is also trite that exercise of inherent jurisdiction is not invoked for reviewing any order.

7. The scope of review is very limited and it is not permissible for the Tribunal to act as an appellate authority in respect of original order passing a fresh order and re-hearing of the matter to facilitate a change of opinion on merits.

8. Considering the observations of the Hon'ble Apex Court as well as facts and circumstances of the case, I do not find any error apparent on the face of record in the order dated 17.11.2022. Accordingly, the Review Application is dismissed. No order as to costs.