
(2020) 03 CAT CK 0059

In the Central Administrative Tribunal

Case No : Review Application No. 49 Of 2020 In Original Application No. 3303 Of 2016

N. K. Yadav

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 12-03-2020

Acts Referred:

Code Of Civil Procedure, 1908 — Section 114, Order 47 Rule 1
Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 17

Citation : (2020) 03 CAT CK 0059

Hon'ble Judges : S.N. Terdal, Member (J); Mohd. Jamshed, Member (A)

Bench : Division Bench

Final Decision : Dismissed

Judgement

Mohd. Jamshed, Member (A)

1. The present RA No. 49/2020 has been filed Page | 2 against the order passed in OA No. 3303/2016 on 17.02.2020. The same is being considered in terms of Rule 17 of the CAT (Procedure) Rules, 1987. The applicant by filing this RA is seeking review of the order dated 17.02.2020 passed in OA No. 3303/2016 and is praying that the impugned penalty order of the OA should be set aside. The applicant in this RA has reiterated the pleadings made in the OA.

2. There is no new point raised and no apparent error has been indicated in the order passed in OA No. 3303/2016 decided on 17.02.2020.

3. We have carefully considered the plea made in the RA, which is confined to reiterating various points raised in the OA. Any review as prayed would amount to reconsidering the OA and going into the merits of the case, yet again by re-writing another judgment.

4. As far as 'Review' is concerned, it is a settled law that the 'Review' can be undertaken only where any apparent error on the face of the record is pointed out. 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]

5. 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."

6. In view of the above mentioned, we do not find any merit in the present RA and the same is, accordingly, dismissed in circulation.