

(2020) 01 CAT CK 0055

In the Central Administrative Tribunal

Case No : Review Application No. 16 Of 2020, Original Application No. 2372 Of 2018

Vijay Kumar And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 22-01-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 22(3)(f)
Code Of Civil Procedure 1908 — 114 Order 47 Rule 1

Citation : (2020) 01 CAT CK 0055

Hon'ble Judges : Aradhana Johri, Member (A)

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. The review applicants have sought review of the Tribunal's order dated 20.11.2019 by which OA No.2372/2018 was dismissed, on the ground of factual errors apparent on the face of the record.

2. I have perused the RA and found that all the grounds raised in the OA were considered in the said order. No such grounds have been raised in the RA which would warrant review of the order dated 20.11.2019. It appears that the applicants in the garb of review are trying to re-argue the matter afresh, which is not the scope of review. It is a well settled principle of law that a review application is not an appeal in disguise or a fresh hearing and for that the proper remedy is to file an appeal before the appropriate forum/superior court.

3. In case of State of West Bengal & Ors Vs. Kamalsengupta & Anr. [2008(8) SCC 612], the Hon'ble Supreme Court after having considered the important decisions on the subject and defined the difference between the review and appeal, has held as follows:-

"35. The principles which can be culled out from the above noted judgments are :

(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."

4. It is apparent from the above that the scope of the review lies in a very narrow compass. It has already been covered that there is a difference between appeal and review, and a review cannot be a disguised appeal.

5. Having considered the submissions of the review applicants made in the RA and in view of the above discussion, I find no merit in the instant Review application and the same is accordingly dismissed by circulation. No costs.