

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**MUMBAI**  
**REVIEW APPLICATION NO.2 OF 2020**  
**IN**  
**ORIGINAL APPLICATION NO.434 OF 2014**

- The State of Maharashtra, )  
Through Joint Director, )  
Directorate of Vocational Education & Training, )  
49, Kherwadi, Aliyawar Jung Marg, )  
Bandra East, Mumbai 400051 )..Applicant  
(Orig. Resp. No.3)
- Versus
1. Smt. Manisha Chandrakant Gosavi, )  
R/at:202, Monarch Sapphire, Plot No.15, )  
Sector 35/E, Near Gokul Dham, Kharghar, )  
Navi Mumbai 410210 )..Respondent  
(Orig. Applicant)
- And
2. The State of Maharashtra, )  
Through the Secretary, )  
Directorate of Vocational Education & Training, )  
Annexure Building, Mumbai 400032 )
3. Director, )  
Directorate of Vocational Education & Training, )  
3, Mahapalika Marg, Post Box No.100636, )  
Mumbai 400001 )
4. M.P. Sonawane, )  
The then Principal of the Institute of I.T.I., )  
Vikramgadh, Thane )  
New address: Industrial Training Institute (Girls))  
The Old Mumbai Agra Road, Near Adiwasi )  
Vikas Bhavan, Tryambak Naka, Nasik 422002 )..Respondents  
No.2, 3 & 4-  
(Orig. Resps.1,2&4)

Smt. K.S. Gaikwad – Presenting Officer for Applicant-original Respondent No.3

Shri A.D. Joshi – Advocate for Respondent No.1-original Applicant

CORAM : Smt. Justice Mridula R. Bhatkar, Chairperson  
Shri P.N. Dixit, Vice-Chairman (A)

DATE : 5<sup>th</sup> February, 2021

PER : Smt. Justice Mridula R. Bhatkar, Chairperson

### **J U D G M E N T**

1. Heard Smt. K.S. Gaikwad, learned Presenting Officer for the Applicant-original Respondent No.3 and Shri A.D. Joshi, learned Advocate for the Respondent No.1-original Applicant.

2. This Review Application No.95 of 2020 is filed by the State of Maharashtra, Through Jt. Director, Directorate of Vocational Education & Training, Mumbai-original Respondent No.3 under Section 22(3)(f) of the Administrative Tribunals Act, 1985 for reviewing the judgment and order dated 18.2.2019 passed by this Tribunal in the above OA No.434 of 2014.

3. Ld. PO submits that in the impugned judgment and order the Tribunal did not consider the contentions raised by the Applicants-original respondents especially constitution of committee as per guidelines laid down by the Hon'ble Supreme Court in the case of **Vishaka & Ors. Vs. State of Rajasthan & Ors, AIR 1997 SC 3011** and the report submitted by the committee in respect of the incident as alleged by the respondent-original applicant was not taken into account.

4. Ld. PO has submitted that observations of the Tribunal are factually incorrect and other contentions which were especially mentioned in the reply and sur-rejoinder were not addressed by the Tribunal.

5. Ld. Advocate for the respondent-original applicant has opposed this RA. He points out that earlier MA No.326 of 2019 was preferred by the State-Respondent No.3 under the garb of review application which was dismissed by this Tribunal by its order dated 10.12.2019.

6. Perused the RA so also the order dated 10.12.2019 passed by this Tribunal in MA No.326 of 2019 dismissing the MA. This RA is filed by the Applicant-original Respondent No.3 on 12.2.2020. In view of the submissions made by the Ld. PO, it appears that applicant in RA wants this Tribunal to reassess the entire matter, however, it is not permissible within the ambit of review which is mentioned in Section 114 & Order XLVII Rule 1 of the Civil Procedure Code, 1908. Under Section 22 of the Administrative Tribunals Act, 1985 the procedure and the power of the Tribunal are stated. True that the Tribunal is not bound by the procedure laid down in the CPC and the Tribunal is guided by the principles of natural justice and subject to the other provisions of the Administrative Tribunals Act, 1985 and the rules framed thereunder, however, under sub-Section 3 of Section 22 of the Act certain powers which are available in CPC and vested in Civil Court are conferred to the Tribunal. Such powers are listed under Section 22(3) of the Act. Section 22(3)(f) is about reviewing its decision. Needless to say, the power of review is statutory. Thus, the Tribunal cannot go beyond the powers bestowed upon the Civil Court as per the provisions of review in CPC which is under Section 114 and Order XLVII of CPC. It is useful to reproduce Order XLVII Rule 1(1) of CPC which reads as under:

“1. *Application for review of judgment.-*

(1) *Any person considering himself aggrieved,-*

(a) *by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*

(b) *by a decree or order from which no appeal is allowed, or*

(c) *by a decision on a reference from a Court of Small Causes, and who, from 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 decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”*

7. Considering the powers which can be available under review, the present matter does not fall within the same.

8. In view of the above, Review Application is dismissed.

9. Ld. PO prays to stay the order for a period of two weeks.

10. RA is dismissed. Hence, it cannot be stayed.

Sd/-

**(P.N. Dixit)**  
**Vice-Chairman (A)**  
**5.2.2021**

Sd/-

**(Mridula R. Bhatkar, J.)**  
**Chairperson**  
**5.2.2021**

Dictation taken by: S.G. Jawalkar.