

Central Administrative Tribunal, Principal Bench
New Delhi

RA No. 227 of 2004
In
OA No. 2775 of 2002

22
This, the 26th day of August, 2004

Hon'ble Shri Shankar Raju, Member (J)

1. Union of India through
The Secretary to the Govt. of India,
Ministry of Defence, South Block,
New Delhi- 110 001.
2. The Director General of Medical Services (Army)
(DGMS-3(B) Section) Adjutant General's Branch,
Army Headquarters, L-Block,
D.H.Q. Post Office, New Delhi – 110 001.
3. The Commandant,
Military Hospital,
Mathura Cantt.

...Review Applicants

-versus-

Smt. Sunehri Devi,
W/o Sh. Khemi,
Room No. 2,
13/2, Bahadurgarh,
Vijay Park, Mathura..

...Respondents

ORDER (By circulation)

The present Review Application is directed against the order passed on 18.05.2004 by this Tribunal directing consideration of the case of the applicant for regularization. Grounds averred show that there is an attempt on the part of the respondents to re-agitate the matter, which is not permissible under section 22(3)(f) of the Administrative Tribunals Act, 1985 as well as in the light of the decision of the Hon'ble Supreme Court in the case of the Apex Court in the case of *Union of India*

- 8 -

vs. *Tarit Ranjan Das*, reported as 2004 SCC (L&S) 160, relevant part of which reads as under:

6A

“The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court.”

4. In the light of the above, the review application fails and the same is accordingly dismissed.

S. Raju
(Shanker Raju)
Member (J)

/na/