

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.NO.257/2003 IN
O.A.NO.2863/2001

This the 17th day of September, 2003.

Hon'ble Shri Shanker Raju, Member (J)

Badri Dutt Prohit
Working as Group C Technical Staff
in the office of the Sports Authority of India
Dr. Karvi Singh Shooting Range
Tuglakabad, New Delhi

..Applicant

Versus

1. Director General
Sports Authority of India
Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi-3
2. Assistant Director (Personnel)
Sports Authority of India
Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi-3

..Respondents

O R D E R (in circulation)

In OA-2863/2001, the claim of the applicant was for treatment of absence of period from 30.7.1996 to 2.11.1998 as spent on duty which has been treated as dies non by the respondents.

2. Meticulously considering the material produced and contentions put forth and on perusal of the record, the applicant, who had the onus to prove his attendance in the register having failed to do so and the unauthorised absence unexplained, the pay and allowances paid which had been recovered without holding the disciplinary proceedings, has been held to be in accordance with law.

3. The aforesaid decision was carried before the High Court of Delhi and in CW-4744/2003 on a statement

(2)

made by the petitioner that the order of the Tribunal suffers certain factual errors, he withdrew the Writ Petition with liberty to move an application for review.

4. In the present Review Application, what has been contended is that the Court has failed to appreciate certain facts. Nowhere it is contended that there is an error apparent on the face of record which strikes on the face of it.

5. The applicant has attempted to re-argue the entire matter and reiterated the contentions which he had taken in the OA and considered by the Tribunal.

6. Scope of review is limited under Section 22 (3) (f) of the C.A.T. (Procedure) Rules, 1987 and an error which strikes on the face of it and discovery of new material which even after due diligence could not be produced are the two grounds on which the review can be maintained. It is well settled that in a review re-argument or re-consideration of the matter is not permissible.

7. Having regard to the decisions of the Apex Court in Chandra Kant & others v. Sheikh Habib, AIR 1975 SC 1500, Meera Bhanja v. Nirmala Kumari Choudhary, AIR 1995 SC 455 and K. Ajit Babu & others v. Union of India & others, 1998 (1) AISLJ 86, review is not maintainable and is accordingly dismissed.

S. Raju

(Shanker Raju)
Member (J)

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