Central Administrative Tribunal
Principal Bench, New Delhi.

RA-130/2005 in
OA-3130/2001

New Delhi this the 5th day of July, 2005.

Hon'ble Shri Shanker Raju, Member(J)

Jagdish Prasad,
S/o Sh. Mauji Ram Bansal,
C-303, Sector-1, Avantika,
Rohini, Delhi. ..... Applicant

Versus

1. Air Officer,
   Incharge Personnel (ADP),
   Vayu Bhawan,
   New Delhi.

2. Defence Secretary,
   Ministry of Defence,
   Govt. of India,
   New Delhi. ..... Respondents

ORDER (By Circulation)

Mr. Shanker Raju, Member (J):

The present R.A. has been filed by the review applicant seeking review of my order dated 12.4.2005 passed in OA-3130/2001.

2. I have perused my order dated 12.4.2005 and do not find any error apparent on the face of record or discovery of new and important material which was not available to the review applicant even after exercise of due diligence. If the review applicant is not satisfied with the order passed by the Tribunal remedy lies elsewhere. The Apex Court in **Union of India v. Tarit Ranjan Das,** 2004 SCC (L&S) 160 observed as under:

> "13. 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. Having regard to the above RA is dismissed, in circulation.

S. Raju

(Shanker Raju)
Member(J)

/vv/