

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

RA No.286/2004  
MA No.2130/2004  
OA No.2432/2001

New Delhi this the 25<sup>th</sup> day of October, 2004.

**HON'BLE MR. SHANKER RAJU, MEMBER (J)**

Padam Kumar  
S/o Shri Devi Ram,  
R/o House No.18 Jia Sarai,  
Hauz Khas, New Delhi.

-Applicant

-Versus-

1. Union of India through  
Secretary,  
Ministry of Civil Aviation,  
New Delhi.
2. The Commissioner,  
Central Excise and Customs,  
Directorate of Statistics & Intelligence,  
Savitari Cinema Complex,  
Greater Kailas-II,  
New Delhi.

-Respondents

**ORDER (By Circulation)**

This RA is directed against an order passed in OA-2432/2001 on 28.5.2003, disposing of the OA, though bereft of merit, in the interest of justice with the direction to the respondents that in the event any work of casual basis is available



in future, applicant shall be considered for engagement in accordance with the rules and instructions subject to his suitability in preference to his juniors and outsiders.

2. The review applicant has also filed MA for condonation of delay in filing the RA. I have perused the grounds taken in the MA for condonation of delay. In the interest of justice delay in filing the R.A. is condoned.

3. The scope of review under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Order XLVII, Rules (1) and (2), lies in a narrow compass. I do not find any error apparent on the face of the record or discovery of any new and important material, which even after exercise of due diligence, was not available with the review applicant. If the review applicant is not satisfied with the order passed by the Tribunal remedy lies elsewhere. By way of this review the review applicant seeks to re-argue the matter, which is not permissible. The Apex Court in **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160 observed as under:



(3)

"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 MA, seeking condonation of delay is allowed. RA is dismissed, in circulation.

S. Raju  
(Shanker Raju)  
Member (J)

'San.'