

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.No.4/2002
IN
O.A.No.1388/2001

Friday, this the 26th day of April, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

Roshan Lal Sagar
S/O Sh. Champa Ram
R/O 1449/8.E Shiv Marg
Durga Puri Loni Road
Shahdara Delhi-32

..Applicant

(By Advocate: Shri Prakash Chandra)

Versus

1. General Manager
Head Quarter Office
Baroda House, New Delhi
2. FA & CAO, N. Rly,
Baroda House, New Delhi

Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R (ORAL)

Heard the learned counsel on either side.

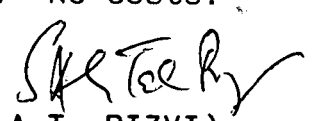
2. The main contention raised in the RA is that the Tribunal has erred by relying on PS No.9824 dated 12.3.1989 and the joint procedure Circular dated 22.6.1993. Instead the Tribunal should have relied, according to the learned counsel, on the Railway Board's instructions of 1986 and 1972 to which references have been made in the Tribunal's order of 26.11.2001. In my judgement, the aforesaid ground cannot be raised in a Review Application. The review applicant is free to approach an appropriate judicial forum for seeking remedy in this regard.

2. Review Applications can succeed on the limited ground of mistake on the face of the record or on discovery of fresh facts and new evidence becoming

(2)

available. In the case of discovery of new/fresh evidence, the applicant is required to satisfy the court that the evidence in question could not become available in good time despite exercise of due diligence. In the present case, none of these grounds has been taken. The issues raised in the OA and at the time of its hearing have only been reagitated. There is no case, therefore, for review.

4. In the light of the foregoing, the present Review Application fails and is dismissed. No costs.


(S.A.T. RIZVI)
MEMBER (A)

/sunil/