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Central Administrative Tribunal  
Principal Bench  
New Delhi

R.A. No. 368/94  
IN  
O.A. No. 2324/93

New Delhi, this the 2nd March, 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI P.T. THIRUVENGADAM, MEMBER (A)

Bag Raj Singh  
village Sikhera,  
P.O. Dhakauli,  
Tehsil Bagpat,  
Distt. Meerut (U.P.)

Review Applicant

(Shri Gyan Singh, Advocate)

Versus

Union of India, through:

1. Garrison Engineer, Tejpur  
P.O. Dekar Gaon (Salmara),  
Distt. Sonitpur (Assam).
2. Engineer-in-Chief,  
E-In-C's Branch,  
Army Head Quarters (AHQ)  
Kashmir House, DHQ.P.O.  
New Delhi- 110 011.

Respondents.

(By Shri P.H. Ramchandani, Advocate)

O R D E R

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

The applicant has filed this Review Application against the order passed in O.A. No. 2324 of 1993 on 19th August, 1994. By that order, it was held that the application is not maintainable in the Principal Bench with liberty to the applicant to assail any surviving grievance before the competent forum subject to law of limitation.

The facts have already been discussed in the judgement but in short are that the applicant was dismissed from service by Garrison Engineer, Tejpur on 3rd May, 1975. The applicant challenged that order before a Civil Court, Meerut by filing suit No. 356/79 and that suit was decreed ex parte by the order dated 18th November, 1982 and the order of termination was declared as illegal and in effective. Against this order, the Union of India filed an appeal bearing No. 462 of 1984 before the District Court, Meerut. The applicant has shown his residence in village Sikhera, P.O. Dhakauli, Tehsil Bagpat District Meerut. He has not obtained any permission under section 25 of the A.T. Act, 1985 for retention of the case before the Principal Bench.

2. In the Review Application also the applicant has shown the same residence as in the Original Application. The grounds taken for reviewing the judgement are that the review applicant has discovered new and important matter evidence and that is enclosed with the Review Application as Annexure R-I. That order was passed on 4th Feb., 1994 by C.J.I.C., Meerut dismissing the application for condonation of delay in filing the appeal against the ex parte decree of suit No. 356/79.

3. We have seen Annexure-R-1, the judgement of the C.J.I.C., Meerut, but this judgement is without jurisdiction inasmuch as the miscellaneous appeal 462/84 remained pending with the District Court on 1.11.1985 and should have been transferred to the Central Administrative Tribunal, Allahabad Bench under section 29 of the A.T. Act, 1985. Since it covers a service

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matter the civil Judge cannot decide the appeal which has to be decided by the Tribunal as said above. Thus the disposal of the appeal does not give any fresh ground for reviewing the Judgement.

4. As regards the ground No. (c), the averments<sup>made</sup> by the applicant in para No. 4.18 of the Original Application are only averments which are not substantiated by any fact. This ground also does not make out a case for reviewing the Judgement and still the matter has been left open to be decided by the competent court of territorial jurisdiction. The other grounds taken by the review applicant are only argumentative in nature. Even the law referred to in these grounds have not been pressed at the time of argument by the learned counsel for the review applicant. A review lies only if an error is apparent on the face of the record but there is no error on the face of the record as the applicant has shown his residence in Distt. Meerut (UP) both as a review applicant as well as an Original Applicant and hence, this application could not be entertained in the Principal Bench. Inspite of sufficient discussion at the time of hearing on the review application, no steps have been taken by the learned counsel for the review applicant for retention of the Original Application in the Principal Bench.

5. The Judgement under review was passed on the basis of averments made in the Application as no reply was filed by the respondents and only Shri P.H. Ramchandani appeared as a counsel for the respondents and opposed the application without filing the Counter. There are certain documents on record to

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show about the final settlement arrived at between the parties but in view of the fact that no details were coming from the side of the respondents, the matter was left open.

6. There is no ground to review the Judgement, therefore, the Review Application is dismissed as devoid of merit leaving the parties to bear their own costs.

*P. J. Thiruvengadam*  
(P.T. THIRUVENGADAM)  
MEMBER (A)

*J. P. Sharma*  
( J.P. SHARMA )  
MEMBER (J)

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