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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

R.A.No.144/94

in
O.A No.1171/89

New Delhi this 2nd day of May, 1994.

GORAM:

Hon'ble Mr. Justice V.S. Malimath, Chairman.
Hon'ble Mr. S.R. Adige, Member (A)

Mahesh Gupta,
s/o Late Shri B.R. Gupta,
r/o 209, Dhruva Apartments,
Patparganj,
Delhi-110092.Applicant.

Versus

1. Union of India
through Secretary,
Railway Board, Rail Bhawan,
New Delhi.
2. General Manager,
North Eastern Railway,
Gorakhpur (UP)
3. Chief Electrical Engineer,
North Eastern Railway,
Gorakhpur (UP)Respondents.

By circulation:

ORDER

This is an application dated 19.4.94, filed by Shri Mahesh Gupta praying for review of the judgment dated 24.3.94, in O.A.No.1171/89 'Shri Mahesh Gupta Vs. Secretary, Railway Board, Delhi and two others'.

2. Under Order 47 Rule 1 CPC., a decision/judgment/order can be reviewed only if;

- i) it suffers from an error apparent on the face of the record;
- ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgment was made, despite due diligence;
- iii) for any sufficient reason construed to mean analogous reasons.

3. A perusal of the contents of the review application makes it abundantly clear that none of the grounds taken therein bring it within the scope and ambit of Order 47 Rule 1 CPC.

4. In this review application, much the same ground has been travelled as contained in the original application. Under the disguise of a review application what in fact is sought, is an appeal against the impugned order dated 24.3.94. This is clearly impermissible. In 'Thungabhadra Industries Ltd. Vs. The Government of Andhra Pradesh' (AIR 1964 SC 1372) it has been held that a review is by no means an appeal in disguise. Again in A.T.Sharma Vs. A.P. Sharma & others' (AIR 1979 SC 1047), it has been held that a power of review is not to be confused with appellate power.

5. Under the circumstances, this application for review is rejected.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN.

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