

Central Administrative Tribunal
Principal Bench: New Delhi

(19)

RA 28/97 in
OA 3034/91

New Delhi this the 24th day of September 1997.

Hon'ble Mrs Lakshmi Swaminathan, Member (J)
Hon'ble Mr S.P. Biswas, Member (A)

Mr Madan Mohan C. Pandit
Deputy Commissioner of Income Tax
R/o Flat No. 55, Narayan Dabholkas Road
Mumbai - 400 006. ...Applicant

(By advocate: Mr P.R. Madhavan)

Versus

Union of India through

1. Secretary
Ministry of Finance
Dept. of Revenue
New Delhi.

2. Union Public Service Commission
through its Secretary
Dholpur House
Shahjahan Road
New Delhi.

...Respondents.

(By advocate: Mr R.S. Aggarwal)

O R D E R (oral)

Hon'ble Mrs Lakshmi Swaminathan, Member (J)

The applicant in OA 3034/91 has filed this RA
impugning the order dated 19.11.1996.

2. We have heard the learned counsel for both the
parties and perused the records.

3. Mr P.R. Madhavan, learned counsel for the review
applicant has submitted that the impugned order may be
reviewed on the ground that the Tribunal had wrongly
followed the judgement of the Supreme Court in the case
of Nutan Arvind Vs. Union of India & Another (1996 (2)
SCC 488) in dismissing the petition. The learned counsel
has submitted that while the judgement of the Supreme
Court in Nutan Arvind Vs. UOI & Another is dated 15th

B.

20

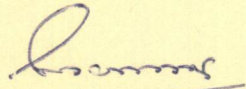
January 1996, there was an earlier case also decided by the Supreme Court in State Bank of India Vs. Kashinath Kher & others (AIR 1996 SC 1328) which should have been followed. He submits that as the judgement in Kashi Nath's case was also available prior to the impugned order dated 19.11.1986, the Tribunal ought to have followed that judgement rather than the judgement in Nutan Arvind's case.

4. We are unable to agree with the contentions of the learned counsel for the review applicant that there is any justification for review of the impugned order dated 19.11.1996 on the above ground. There is no error apparent on the face of the record or any other sufficient grounds as provided in Order 47 Rule 1 CPC read with Section 22 (3) (f) of the Administrative Tribunals Act 1985 justifying the review of the order. If the applicant is aggrieved that the decision of the Tribunal is erroneous, the remedy lies elsewhere in accordance with law, but this RA does not lie. The applicant cannot re-agitate or re-argue the grounds which he could have taken at the time of hearing and before the impugned order dated 19.11.1996 was passed as if it is an appeal (A.T.Sharma V. A.P.Sharma and ors (AIR 1979 SC 1047 & S.Gupta Versus U.O.I. and ors (1991 (15) ATC 86, CAT, Calcutta Bench).

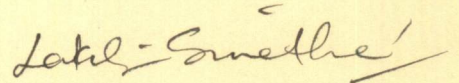
JS.

(27)

5. For the reasons given above, we see no good grounds to allow the review application. The Review Application is accordingly dismissed.



(S.P. Biswas)
Member (A)



(Smt. Lakshmi Swaminathan)
Member (J)

aa.