



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA No. 23/2007
In
MA No. 1753/2006
In
OA No. 1251/2004

New Delhi, this the 6th day of February, 2007

Hon'ble Mr. V.K. Agnihotri, Member (A)

1. Parcel Porters
through its Secretary Kamla Singh,
S/o late Shri Bhola Singh,
Having its office at:
17, V.P. House, Rafi Marg,
New Delhi-110001.
2. Suresh Prasad,
S/o Shri Sadhu Sharan Roy,
Working as Parcel Porter at
Railway Station Muzaffarpur,
Distt. Muzaffarpur (East-Central),
Bihar.

...Applicants.

Versus

1. Union of India
through Secretary,
Ministry of Railway,
Government of India,
Rail Bhawan,
New Delhi-110001.
2. Chairman,
Railway Board,
Rail Bhawan,
New Delhi-110001.
3. General Manager (Commercial)
East-Central Railway,
Hazipur, District Hazipur,
Bihar.
4. General Manager,
Northern Railway,
Baroda House,
New Delhi.

..., Respondents.



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ORDER (BY CIRCULATION)

This Review Application has been filed by the applicants under Section 22(3) (f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 for review of the order of this Tribunal dated 15.01.2007 passed in MA No. 1753/2006 in OA No. 1251/2004.

2. In terms of the Rule 17(2) of the Rules *ibid.*, this RA has been referred to the same bench which had passed the order.

3. In terms of Rule 17(3) of the Rules *ibid.*, it has been decided to dispose of this Review Application by circulation.

4. In this Review Application, the applicants have stated that while rejecting the aforementioned MA, this Tribunal failed to consider the provision of Section 14 of Limitation Act, 1963. In this context, they have cited the judgment of the Hon'ble Supreme Court in the case of **Ghasi Ram & Ors. v. Chait Ram Saini & Ors.**, 1998 (6) SCC 200. They have also stated that while reserving the order in the said MA, this Tribunal had indicated that MA would be allowed. However, surprisingly when the order was pronounced, MA was dismissed. The applicants have also recounted the dates and events.

5. As stated in Rule 1 of Order XLVII of the Code of Civil Procedure, 1908, an application for review can be filed where there is discovery of new and important matter or evidence, which, after exercise of due diligence was not within the knowledge of the aggrieved person or could not be produced by him at the time when the order was passed or where some mistake or error apparent exists on the face of the records.



6. The scope of Review, therefore, is very limited and has been succinctly defined in the judgment of the Hon'ble Supreme Court in **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160, as follows:

"The scope of 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."


Same is the ratio of the judgments of the Hon'ble Supreme Court in **Union of India & Ors. v. B. Valluvan & Ors.**, 2006 (8) SCC 686; **Avinash Hansraj Gajbhiye v. Official Liquidator, M/s. V. Pharma. P. Ltd**, 2006 SCCL.COM 98; **K. Ajit Babu & Ors. v. Union of India & Ors.**, JT 1997 (7) SC 24; **S. Nagaraj & Ors. etc. v. State of Karnataka & Anr., etc.**, 1994 SCC (L&S) 320; and **Sow. Chandra Kanta & Anr. v. Sheik Habib**, AIR 1975 SC 1500, as also of the Order of CAT (Patna Bench) in **Union of India & Ors. v. Shri Shyam Deo Singh & Ors.**, 1996 (2) SLJ 651.

7. I find that in this Review Application, the applicants have failed to provide any new evidence, which was not within their knowledge earlier. They have also failed to establish that there is some mistake or error apparent on the face of the records. Hence, based on the material on the basis of which the matter has already been adjudicated earlier, this Tribunal is not in a position to reappreciated the evidence and sit in appeal over its own order. In the circumstances, if the applicants are not satisfied with the order of this Tribunal, they should seek legal remedies elsewhere.

8. Further, the averment of the applicants, that while reserving the order this Tribunal had indicated that MA would be allowed, is self-contradictory. When on the last date of hearing, this Tribunal has recorded "Arguments heard. Order reserved.", the question of the Tribunal indicating that MA would be allowed, does not arise.



9. In the result, for the reasons mentioned above, the Review Application fails and is accordingly dismissed. There will be no order as to costs.



(V.K. Agnihotri)
Member (A)

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