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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No. 58/2005
in
OA No.311/2004
MA No.536/2005

New Delhi this the 15th day of March, 2005.

Hon'ble Mr. Shanker Raju, Member (Judl.)

Dr. K.S. Nishal

-Applicant

-Versus-

Union of India & Others

-Respondents

ORDER (By Circulation)

The present R.A. has been filed by the review applicant seeking review of our order dated 17.11.2004 passed in OA No.311/2004.

2. Review applicant has also filed MA-536/2005 for condonation of delay in filing the RA. For the reasons stated in the MA, delay in filing the RA is condoned.

3. I have perused my order dated 17.11.2004 and do not find any error apparent on the face of record or discovery of new and important material which was not available to the review applicant even after exercise of due diligence. If the review applicant is not satisfied with the order passed by the Tribunal remedy lies elsewhere. The Apex Court in **Union of India v. Tarit Ranjan Das,** 2004 SCC (L&S) 160 observed as under:

> "13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for 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. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court."

4. Having regard to the above RA is dismissed, in circulation.

S. Raju

(Shanker Raju)
Member (J)

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