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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**R.A. 70/2005
IN
O.A. 606/2004**

New Delhi this the 12th day of April, 2005

Hon'ble Mrs. Meera Chhibber, Member (J)

J.K. Thapar
S/o late Shri Amar Nath Thapar,
B-305, Rail Vihar,
Sector 15 Pt. II,
Jharsa Road,
Gurgaon-122001 (Haryana).

.... Applicant

Versus

Union of India, through

1. General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi – 110 001.

2. F.A. & C.A.O. (Construction) C-1,
Northern Railway,
Kashmere Gate,
Delhi – 110 006.

3. Sr. Divisional Accounts Officer,
Allahabad Division,
North-Central Railway,
Allahabad (UP).

...Respondents

O R D E R (BY CIRCULATION)

This RA has been filed against the order dated 13.1.2005 passed in O.A. No.606/2004, on the grounds that (i) no show cause notice was issued to the applicant before effecting recoveries (ii) Tribunal had erred in observing that speaking order dated 25.2.2002 was not challenged by the applicant and (iii) Tribunal has misinterpreted Rule 2006 (c) of IREC Vol.II.

2. Perusal of the Review Application shows that in other words applicant is trying to find fault with the interpretation given by the Tribunal in its order dated 13.1.2005. The



scope of the Review Application is very limited. It is settled law by now, as held by the Hon'ble Supreme Court in the case of Union of India Vs. Tarit Ranjan Das (2004 (2) ATJ 190), that it is not permissible to the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh and rehearing of the matter to facilitate change of opinion on merits. Similarly, in the case of Ajit Kumar Rath Vs. State of Orissa (2000 SCC (L&S) 192), Hon'ble Supreme Court held that review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier. Since all the points raised by the applicant were duly considered in the order dated 13.1.2005 and I had also expressed my views on the interpretation of Rules and on the point of show cause notice, review is not the remedy available to the applicant as all that he is trying by way of review application is to reargue the matter which has already been decided by the Tribunal nor can I sit in appeal over my own orders. Since I have already expressed my views by a detailed and reasoned order, the only remedy open to the applicant is to challenge the order in higher court. I do not find any error apparent on the face of the record either in fact or in law. Accordingly, RA is dismissed in circulation.



(MRS. MEERA CHHIBBER)
MEMBER (J)

'SRD'