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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA No. 112/2005
in
OA No.1084/2004

New Delhi this the 25th day of May, 2005

HON'BLE MR. SHANKER RAJU, MEMBER (J)
HON'BLE MR. S.K. MALHOTRA, MEMBER (A)

Ms. Piya Thakur, w/o Sh. J.S. Thakur,
Working as Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi.

...Review Applicant

-Versus-

1. Union of India through
Secretary,
Ministry of Home Resource Development,
Govt. of India, New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.
3. Addl. Commissioner (Personnel),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.

-Respondents

ORDER (By Circulation)

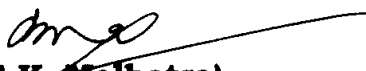
By Mr. Shankar Raju, Member (J):

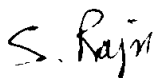
This RA, filed by the applicant, is an attempt to re-agitate the matter as if in appeal, which is not the scope and ambit of Section 22(3) (f) of the Administrative Tribunals Act, 1985 read with Order XLVII, Rules (1) and (2). Even if the findings are erroneous in law, the remedy lies elsewhere. The 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.”

2. Keeping in view the above observations of the Apex Court,
RA is dismissed by circulation.


(S.K. Malhotra)
Member (A)


(Shanker Raju)
Member (J)

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