

Central Administrative Tribunal, Principal Bench,

RA No. 143 of 2005 In
O.A. No. 2618/2004

New Delhi this the 18th day of July, 2005

Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)

Hon'ble Mr. S.A. Singh, Member (A)

1. K.K. Sharma

2. S.P. Baranwal

Applicants in the
OA/Respondents in the RA.

Versus

1. Union of India through Secretary,
Ministry of Urban Development.

2. The Secretary, Union Public Service Commission.

3. A.K. Goel

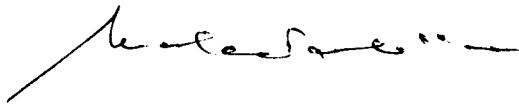
Respondents in the
OA/Review Applicant in the RA.

ORDER (BY CIRCULATION)

By Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)

The present RA has been filed by the respondent No.3 seeking review of our order dated 26.5.2005 passed in OA 2618/2004.

2. We have perused the order dated 26.5.2005 and do not find any error apparent on the face of the record or discovery of new and important material which was available to the respondent No.3 even after exercise of the due diligence. If the review applicant (respondent No.3) is not satisfied with the order passed by the Tribunal, remedy lies

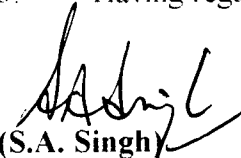


elsewhere. The Apex Court in Union of India Vs. Tarit Ranjan Das, 2004 SCC (L&S)

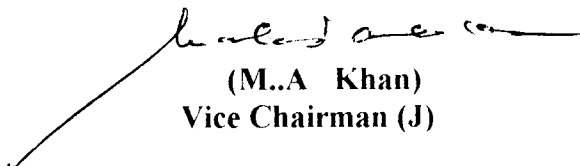
160 observed as under:-

“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”.

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


(S.A. Singh)
Member (A)

Rakesh


(M.A. Khan)
Vice Chairman (J)