

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

R.A.No.154/2005  
in  
O.A.No.2875/2004

Hon'ble Shri Justice B. Panigrahi, Chairman  
Hon'ble Shri N.D.Dayal, Member (A)

New Delhi, this the 28<sup>th</sup> day of February, 2006

Union of India & Others ... Review Applicants

(By Advocate: Sh. A.K. Bhardwaj)

vs.

C.P. Abdul Rahoof .... Review respondent

(By Advocate: Sh. Jog Singh with Ms. Nasreen Alam)

**ORDER**

**By Justice B. Panigrahi, Chairman**

This is a review application filed by the respondents/review applicants on two grounds. One is that there is no jurisdiction of this Tribunal to adjudicate the issue raised by the applicant. At the initial level, such question was raised, which was answered against the review applicants and further they being aggrieved by such orders, approached the Hon'ble High Court and the Writ filed by them has already been dismissed. In that view of the matter, the review applicants cannot once again raise such an issue in this case.

2. The review applicants further contended that this Tribunal committed an error apparent on the face of the record by holding that since there was no intention of the original applicant to submit resignation, therefore, the alleged letter of resignation cannot be construed that it was voluntarily submitted/tendered by him. In support of their submission, they have relied upon a Judgement of the Supreme Court reported in SCSLJ 2003(2) page 40 in the case of **North Zone Cultural Centre & Anr. v. Vedpathi Dinesh Kumar**. In the aforesaid judgement, it is noticed that merely because the applicant was signing in the attendance register even after submission of his resignation, cannot be construed that he was still working. But in this particular case, the fact situation


is entirely different. The applicant was under fully control of the review applicants. It is stated that so-called resignation letter was not consciously submitted by the original applicant. Nobody is expected to resign. As after resignation, he will have to come back at his own expenses, which apparently would be unbelievable. Therefore, the Tribunal held in favour of the applicant that such resignation was not voluntarily submitted.

3. In a review application, the matter cannot once again be considered as if it is an appeal. The scope of review application is very clear.

4. The Hon'ble Supreme Court in the case of **Subash v. State of Maharashtra**, AIR 2002 SC 2537, held as under:

"..... The scope for consideration before the Tribunal was very limited. Inasmuch as this Court had found that the appellant did possess the necessary qualifications as per the Rules and the Tribunal having found he was entitled for appointment in original application No.94/1995, there is no justification for the Tribunal to have reviewed the matter once again, particularly, when the scope of review under Section 22(3)(f) of the Administrative Tribunals Act, 1985 as is vested in a Civil Court under the Code of Civil Procedure. The Tribunal could have interfered in the matter if the error pointed out is plain and apparent. But the Tribunal proceeded to examine the matter as if it is an original application before it. This is not scope of review."

5. 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 (**See: Union of India v. Tarit Ranjan Das**, 2004(1) SLR SC 28). Therefore, the Tribunal has to decline to invoke its review power unless the review applicants fully satisfy that there is an error apparent on the face of the record. The review applicants have failed to satisfy that there was any error apparent on the face of the record so as to warrant our interference. Accordingly, we dismiss the Review Application.

  
(N.D. DAYAL)  
Member (A)

  
(B. PANIGRAHI)  
Chairman

/Rao/