CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.176/2005
in
MA No.1748/2005
in
OA No.1963/2004

New Delhi this the 20th day of September, 2005.

Hon'ble Mr. V.K. Majotra, Vice-Chairman (A)
Hon'ble Mr. Shanker Raju, Member (Judl.)

Union of India & Others

-Applicants

-Versus-

N.R. Bhatacharya,
(Retd. Chief Post Master General),
C-2/2134, Vasant Kunj,
New Delhi-110070.

-Respondent

ORDER (By Circulation)

Mr. Shanker Raju, Member (J):

The present R.A. has been filed by the review applicants seeking review of our order dated 6th January 2005, passed in OA-1963/2004.

2. The review applicants have also filed MA-1748/2005 for condonation of delay in filing the R.A.

3. We have perused the grounds given in the MA for condonation of delay and are satisfied that grounds are good enough to condone the delay. Accordingly the delay is condoned and the MA is allowed.

4. We have perused our order dated 06.01.2005 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 applicants even after exercise of due diligence. If the review applicants are 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."

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

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra) 20/9/07
Vice-Chairman(A)

'San.'