

(89)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No. 186/2005 In
OA No. 694 of 2004

New Delhi this the 8th day of February, 2006

Hon'ble Mr. Justice M.A. Khan, Vice Chairman
Hon'ble Mr.N.D. Dayal, Member (A)

Shri .K. Yadav
S/o Late Shri Bal Krishanji
R/o Quarter No.1105, Type V,
Central Government Officers Quarters,
NH.IV, Faridabad,
Haryana.

..Review Applicant

By Advocate: Shri Yogesh Sharma.

Versus

1. Union of India through
The Secretary to the Government of India,
Ministry of Agriculture,
Department of Agriculture & Co-operation,
Krishi Bhawan,
New Delhi.
2. The Under Secretary,
Ministry of Agriculture,
Department of Agriculture & Co-operation,
Government of India,
Krishi Bhawan,
New Delhi.
3. The Pant Protection Advisor
To the Government of India,
Ministry of Agriculture & Co-operation,
Directorate of Plant Protection Quarantine
& Storage,
NH.IV,
Faridabad (Haryana).

...Respondents

By Advocate: None.

ORDER (ORAL)

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


The present RA has been filed by the applicant seeking review of our order dated 7.3.2005 passed in OA 694 of 2004.


2. We have perused the relevant record and order dated 7.3.2005 and do not find any mistake or error apparent on the face of the record or there is discovery of new and

important material and evidence which was not in the knowledge or could not be produced by the applicant even after exercise of the due diligence when the matter was decided. If the review applicant 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.


(N.D. Dayal)
Member (A)


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

Rakesh