

40

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

RA No.202/2005
MA No.1904/2005
MA No.1905/2005
in
OA No.2359/2004

New Delhi this the 30th day of September, 2005.

1. Union of India through
the Secretary, Ministry of Communications,
Department of Posts, Dak Bhawan,
New Delhi.
2. The Chief Postmaster General,
U.P. Circule, Lucknow-226001.
3. The Postmaster General,
Agra Region, Agra-282001. -Review Applicants

-Versus-

Shri Abdul Basit,
S/o late Shri Aizaz Hussain,
Ex-Postman under Bulandshahr Division,
R/o Village & Post Office Ahar Distt.
Bulandshahr. -Respondent

O R D E R (By Circulation)

Mr. Shanker Raju, Hon'ble Member (J):

Review applicants seek review of our order dated 5th August, 2005
passed in OA-2359/2004.

2. Review Applicants have also filed MAs No.1904 and 1905 of 2005
for staying the operation of the order dated 5.8.2005 and condonation of
delay in filing the review application respectively.

3. We have perused the grounds given in the MA for condonation of
delay and on being satisfied delay in filing review application is allowed.
MA No.1904/2005 is allowed.


21


4. We have also perused our order dated 05.08.2005 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.

6. Consequently MA-1905/2005 for staying the operation of the order dated 05.08.2005 is also dismissed.


(Shanker Raju)
Member(J)


(V.K. Majotra)
Vice-chairman(A)
30.9.05

‘San.’