

J.D
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No. 252 of 2005 and MA 2355/05

In
OA No. 2484 of 2004

New Delhi this the 1st day of February 2006

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

S.Kasimayan
Section Officer/MS(X),
G.S. Branch, Army Headquarters,
Ministry of Defence, South Block,
New Delhi – 110 011. ...Review Applicant.

By Advocate: Shri Sanjeev Kumar Panday, Counsel parviker
for the applicant.

Versus

1. Union of India
Through
a) The Secretary to the Government of India
Ministry of Defence, South Block,
New Delhi- 110 011.

b) The Joint Secretary (Training) and
Chief Administrative Officer,
Ministry of Defence,
“E” Block Hutsments, New Delhi –110 011.
2. AFHQ Civilian Officers Association,
through Sh. RKD Mangal, Secretary,
Room NO. 220A, Financial Planning/Good,
GS Branch, Army HQ, South Block,
New Delhi-110 011.
3. AFHQ ACSOs Association
through Sh. SK Kapoor, Gen. Secretary
JD(OA), Naval HQ,
Room NO. 7 , A Block,
New Delhi – 110 011.
4. AFHQ/ISO SO(DP) Association
through Sh. Shekar Prasad, Gen. Secretary,
DGAFMS Room No. 78, M-Block,
New Delhi – 110 011.

M/

5. AFHQ Civil Service (Direct Recruits –Gazetted) Officers Association, through its President Dr.(Mrs.) Anjula Naib, Director Financial Planning Directorate, G.S.Branch, Army Headquarts, Ministry of Defence, South Block, New Delhi-110 011.

6. Brij Bhushan Mohan Director, AG/DV-2 AG's Branch, Army Headquarters, Ministry of Defence, A-Wing, Sena Bhawan, New Delhi-110 011. ...Review Respondents.

By Advocate: Shri T.C. Gupta.

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 1.9.2005 passed in OA 2484 of 2004.

2. We have perused the relevant record and order dated 1.9.2005 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:-

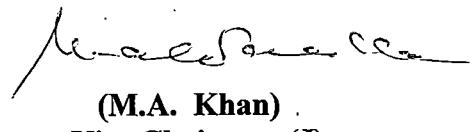
“13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application 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”.

M.A. Khan

Having regard to the above, RA is dismissed. Accordingly, MA 2355/2005 is also dismissed.



(N.D. Dayal)
Member (A)



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

Rakesh