

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.No.303/97
M.A.No.3032/97
M.A.No.3041/97 im
O.A.No.959/92

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Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 4th day of March, 1998

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Chief Medical Officer
Northern Railway,
Baroda House
New Delhi.
3. The Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi. ... Review Petitioner

V.S.

Dr. Rajendra Prasad
Divisional Medical Officer
Northern Railway Divisional Hospital
Delhi Main
Delhi. ... Review Respondent

ORDER (By Circulation)

Hon'ble Shri R.K.Ahooja, Member(A)

The petitioners (originally Respondents) seek a review of the order of this Tribunal in OA No.959/92 delivered on 19.9.1997. The Review Petitioners submit that the order was received on 13.10.1997 but due to the fact that the proposal regarding filing of Review Application had to be routed through a number of officers, the same could be filed on 17.12.1997. A Miscellaneous Application for condonation of delay has also been filed to that effect.

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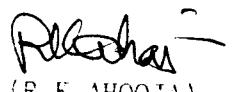
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2. We do not find the explanation given for delay as satisfactory. On merits also we find there is no ground made out for a review. The Petitioners submit that the Tribunal failed to properly appreciate certain instructions of the Government of India regarding the writing of Annual Confidential Reports and the communication of remarks 'not fit for promotion' as an adverse entry. It may be that the Tribunal had come to a wrong conclusion on the basis of its interpretation of the Rules. This is, however, a matter of the conclusion of the Tribunal, not of an error patent on the face of the record. The scope of the review jurisdiction is limited and does not include a reexamination of the grounds which have been adduced by the parties in the original hearing. This is precisely what the petitioners, want by way of a review by re-examining the Rules which were considered, while the impugned order was being passed.

3. In view of the above position, we consider that the RA deserves to be dismissed summarily both on account of delay as well as on merit. We order accordingly.

M.A.No.3041/97:

The Petitioners (Originally Respondents) have also filed an MA for extention of time for implementation of the Judgement. As noted that RA itself is time barred, accordingly, MA for extension ~~is~~ also rejected.


(R.K. Aahooja)
MEMBER(A)


(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

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