

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Review application No. 23 of 1996.

In

Original application No. 931 of 1994.

Hon'ble Dr. R.K. Saxena, JM
Hon'ble Mr. D.S. Baweja, AM

1. Union of India, through the General Manager, N.E. Railway, Gorakhpur.
2. The Divisional Railway Manager, N.E. Railway, Varanasi.

..... Applicant.

C/A Sri Prashant Mathur

Versus

Prahlad, S/o Sri Dukh Haran,
R/o Ahimanpur, Railway Crossing,
Gate, Khamaria, Varanasi, Present
Post Pointmen, Madhoganj, Railway
Station, N.E. Railway.

..... Respondents.

O R D E R

Hon'ble Mr. D.S. Baweja, AM

This review application has been filed praying to review of the order dated 29.1.95 in O.A. 931/94 and modify the same to the extent the applicant may be given benefit of training with the persons who will be empanelled along with the applicant after passing the requisite training.

Contd..2...

2. The date of the judgement is 29.11.95 and the review application has been filed on 20.2.96 certified copy has been given on 4.12.95. Central Administrative Tribunal (Procedure) Rules 1987 Rule 17 (i) lays down as under :-

"No application or review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be review."

Miscellaneous application No. 405/96 has been filed for condoning delay, in filing review application. The grounds advanced for the delay are not cogent enough. In view of these facts, the review application is belated.

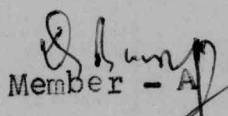
3. A Miscellaneous application No. 404 of 1996 has been also filed praying for staying the operation of the order till the disposal of the review application.

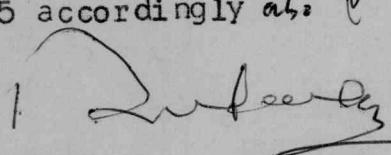
4. Hon'ble Supreme Court has examined the law regarding the scope of review from time to time in several judgements and it has now been settled that the power of review may be exercised if there has been any discovery of any new important matter or evidence which after the exercise of due diligence was not within the knowledge of the person seeking review or could not be produced at the time when the order was passed or if there has been some mistake or error apparent on the face of record or if there were any other sufficient reasons calling for review. A review is by no means an appeal in disguise whereby an erroneous decision is sought to be corrected.

5. The review application has been taken up for decision by circulation.

6. Keeping in view of the grounds detailed above on which a review can be made, we have carefully gone into the pleadings made in the review application to find out whether it satisfies these grounds. Through this review application, modification of the order is sought on the plea that it will affect the basic policy ^{has not been appreciated while} of the Administration and the relevant rules ⁱⁿ rendering the judgement. The judgement is based on the facts brought on the record by the respondents. We are unable to find any new facts or patent error ⁱⁿ the face of the record from the grounds advanced in the review petition, warranting the review of the order and modify the same as prayed for.

7. In light of the discussion above not only the review application is time barred but we also find no substance in the same and is accordingly dismissed. Miscellaneous application No. 405/95 accordingly ^{ab.} becomes infructuous.


Member - A


Member - J

Arvind.