

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

Dated: This the 2<sup>nd</sup> day of January, 1997

CORAM : Hon'ble Mr. S. Das Gupta A.M.

REVIEW APPLICATION NO. 29 OF 1996

IN

ORIGINAL APPLICATION NO. 1408 OF 1993

Lal Gopal Srivastava - - - - - Applicant

VERSUS IN

Union of India and others- - - - - Respondents

ORDER

By Hon'ble Mr. S. Das Gupta AM

This application has been filed seeking review of the judgment and order dated 7.2.1996 by which Single Member bench of this Tribunal had partly allowed the O. A. No. 1408/93.

2. In the aforesaid O.A., the applicant had sought several reliefs, which include payment of Transfer allowance, luggage/packing allowance, house rent allowance Travelling allowance, conveyance allowance and refund of illegally deducted incometax. After hearing ~~the~~ both the parties and carefully perusing the rival pleadings, the bench allowed the O.A. in part, directing the respondents to pay to the applicant the transfer and packing allowance admissible to him on the basis of pay drawn by him at the relevant point of time together with interest. It was also

W.L.

observed that it would be just and proper on the part of the respondents to locate the T.A. bill submitted by the applicant and admit them to the extent of entitlement. No direction was, however, given in this regard.

3. In the Review application, applicant has pointed out that certain reliefs which were prayed for in the O.A. and not allowed in the judgment and order, should have been allowed on the basis of the facts averred.

4. It is settled law that a judgment and order already passed can be reviewed only if it is shown to be suffering from any error apparent on the face of the record or if any new fact is brought out which warrants review of the order already passed, provided such fact could not have been brought out earlier despite exercising due diligence.

5. There is nothing in the submission made in the Review application from which it can be concluded that the impugned judgment and order suffers from any error apparent on the face of the record. Also no new fact has been brought out which would justify review of the order earlier passed. What the applicant seeks is reappraisal of the facts on record and to come to a conclusion different from what was arrived at by the Tribunal in the impugned judgment. This does not lie within the narrow compass of review application. Even if the judgment and order is considered to be erroneous on merit, proper course of action is to file an appeal before the Hon'ble Supreme court.

6. Inview of the foregoing, the Review application is dismissed.

*W.C.*  
MEMBER (A)