

②
By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALLAHABAD

DATED: THIS THE ^{4th} DAY OF JULY 1997

HON'BLE MR. S. DAYAL A.M.

CORAM : SINGLE MEMBER BENCH

REVIEW APPLICATION NO. 4/97 IN O.A.NO. 734/96

D. K. PANDA - - - - - Applicant

C/A Sri Tej Pal

Versus

Union of India and others- - - - - Respondents

ORDER

By Hon'ble Mr. S. Dayal AM

This review application has been filed for review of order dated 6.12.1996 passed in O. A. no. 734/96, which dismisses the same as having become infructuous.

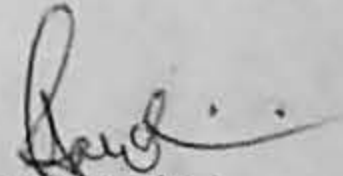
2. The ground on which this review application has been moved was that the application given by the respondent nos. 2 & 3, supported by an affidavit dated 6.12.1996 was moved to the effect that the grievance of the applicant has been redressed by the State of U.P. by their order dated 2.12.1996 cancelling the transfer order dated 11.7.1996. It is the contention of the applicant in the review application that the govt. of U.P. passed another order of transfer dated 21.12.1996 which contained the order of transfer of the applicant as I.G.C.I.D., in spite of the fact that the situation had remained the same between 6.12.96 to 21.12.1996.

3

3. The applicant has sought to establish that the previous order of transfer was vitiated by malice which continued even after the previous order of transfer dated 11.7.1996 was withdrawn and resulted in a subsequent order of transfer dated 21.12.1996.

4. Review application against an order can succeed only if error apparent on the face of the order has resulted in severe injustice or new facts which were not known earlier are revealed and have a bearing on the outcome of the case. No such situation is established in the Review application. It remains undenied that the order of transfer dated 11.7.1996 has been cancelled. Therefore, no cause of action can now arise on the basis of transfer order which no longer exists. Any subsequent order of transfer give a fresh cause of action to the applicant and he would be within his right to challenge the same under law, if so advised.

5. The Review application should be preferred within 30 days from the date of the order. This Review application has been made on 12.2.1997. There is no reason given for explaining as to why the Review application has been filed after more than 2 months of the order made in the O.A. The Review application is, therefore, rejected.


MEMBER (A)

SQI