

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9<sup>th</sup> DAY OF APRIL 1997

Review Petition No. 26 of 1997

In

Original Application No. 585 of 1995

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Anoop Prakash Saxena, son of  
Sri Sidh Gopal Saxena  
R/o Q.No.8/6, B Agwat Das Ghat Colony Applicant  
Kanpur.

( BY ADVOCATE SHRI SHRISH CHANDRA)

Versus

1. Union of India through the  
Director General Ordnance Factories  
Ordnance Equipment Factories Gr.head  
Quarters, G.T. Road, Kanpur.
2. The General Manager, Ordnance  
Equipement Factory, Kanpur.

Respondents

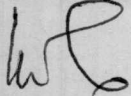
O R D E R

JUSTICE B.C.SAKSENA,V.C.

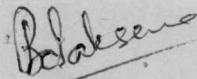
We have gone through the review petition as also the order passed by us in OA 585/95. The order passed by us shows the reasons why we proceeded to dispose of the OA even though the learned counsel for the applicant had sent an illness slip on the date when the OA came up for admission. In the review petition mainly it has been indicated that the absence of the learned counsel was beyond his control. We had decided the OA on merits also after having gone through the pleadings contained in the OA and seeing the reasons indicated in the impugned order. We had taken the view that it is fairly well settled that the Tribunal does not sit as a court of appeal against the Disciplinary Authority or the appellate authority for that matter. The applicant in the review petition has taken

the plea that he had stated in the OA that the admission by him of having a second marriage had been obtained under pressure. The disciplinary authority as also the appellate authority have considered this defence and since from the averments in the OA it cannot be held that the findings have been recorded on the basis of irrelevant evidence or no evidence which is a limited scope for interference, we had dismissed the O.A.

2. A review petition does not lie for a rehearing of the OA or traversing the same grounds once again a decision even if erroneous is not a ground for review. A distinction has to be made between the erroneous decision and a decision in a review petition lies only if there is an error apparent on the face of the record. The grounds taken in the review petition do not make out a case for review under order 47 rule 1 CPC. The review petition is accordingly dismissed.



MEMBER(A)



VICE CHAIRMAN

Dated: April..9<sup>th</sup>, 1997

Uv/