

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No. 28 of 2004
In
Original Application No. 282 of 1998

Allahabad this the 06th day of December 2005

Hon'ble Mr.A.K. Bhatnagar, Member(J)
Hon'ble Mr.S.C. Chaube, Member (A)

Shri Bhola Nath Pathak, Chief Health Inspector, Western Railway,
Idgah, Agra (U.P.).

Applicant

By Advocate Shri Prashant Mishra

Versus

1. Union of India through the General Manager, Western Railway, Church Gate, Bombay.
2. The Chief Medical Superintendent, Western Railway, Kota.
3. The Divisional Railway Manager, Western Railway, Kota.

Respondents

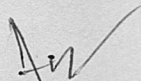
By Advocate Shri Amit Sthalekar

ORDER

By Hon'ble Mr.A.K. Bhatnagar, Member (J)

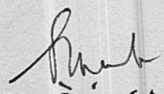
This review application has been filed for review of the Judgment and Order dated 04.09.2003 by modifying and deleting the phrase "except that the applicant shall not be entitled for" from the last line of Judgment and Order and to add the word 'including' in between 'benefits' and 'arrears'.

2. We have carefully gone through the grounds taken in the review application and the Judgment and Order dated 04.09.2003, which is a very detailed Order and has been passed after due



consideration and placing reliance on the various Rules on the subject. The grounds taken in the present review application were well considered while passing the Order. The present attempt by the review applicant is to have the matter re-argued, which does not fall within the purview of Section 22(3) (f) of the Administrative Tribunals Act, 1985. The decision of the Hon'ble Apex Court in the case of Avtar Singh Sekhon Vs. U.O.I. & Others (AIR 1980 S.C. 2041) also fortifies our stand. It is a settled law that review is not an appeal in disguise. It is equally settled preposition of law that even erroneous Judgment is not a ground for review. One has to go in appeal, revision or writ. The illegality of the Judgment cannot be raised in review application. It has been clearly held by the Hon'ble Supreme Court in the case of Union of India Vs. Tarit Ranjan Das 2004 S.C.C.(L & S) 160 that the scope of review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits..

3. In the light of above discussion, we do not find any error apparent on the face of record and also any good ground to interfere by way of review. The review application is accordingly rejected.


Member {A}


Member {J}

/M.M./