

By Circulation

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH; ALLAHABAD.

Review Application NO.47 of 2004.  
In  
Original Application NO.863 of 2002.

ALLAHABAD THIS THE 13<sup>TH</sup> DAY OF APRIL, 2005.

Hon'ble Mr. D.R. Tiwari, Member (A)

Union of India.....Review Applicant

(By Advocate: Sri V.K. Pandey)

Versus

Ram Kumar Sahu..... Respondents

(By Advocate: Sri K.K. Mishra)

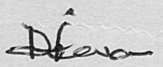
O R D E R

By the present Review Application, the prayer has been made to review the order of this Tribunal in O.A. No.863 of 2002 decided on 8.04.2004. The Review Applicant has challenged the above stated order on various grounds, namely, the order is against the violation of reservation of 5% posts for compassionate appointment, the case law, cited in the order, does not apply to this and one more opportunity should have been given to the Respondents etc. It appears that the Review Applicant is challenging the order of this Tribunal as if he has come in appeal.

*D.R. Tiwari*

2. The settle legal position is that review is not an appeal in disguise. Right of review is not right of appeal where all questions decided are open to challenge. I am fortified in my opinion by the judgment of the Hon'ble Supreme Court in AIR 1964 SC 1372 wherein it has been held that a review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected, but lies only for patent error. I also find that there is no error apparent on the face of record.

3. In view of the reasons recorded above, the review application fails and is rejected.

  
Member (A)

Asthana/-