

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 19th day of May, 2005.

Review Application No. 103 of 2004

IN

Original Application No. 738 of 2002.

Hon'ble Mr. Justice S.R. Singh, VC.
Hon'ble Mr. S.C. Chaube, Member- A.

Om Prakash Singh

.....APPLICANT

V E R S U S

Union Of India & Ors.

.....RESPONDENTS

Counsel for the applicant: Sri Sudama Ram

Counsel for the Respondents: Sri A.K. Gaur

O R D E R

By Hon'ble Mr. S.C. Chaube, AM.

The applicant has filed Misc. Application No. 741/05 with prayer that the MA No. 11/05 filed by the respondents may be heard along with review application No. 103/04 filed in OA No. 738/02.

2. In para 5 of the Review Application the applicant has contended that the judgment and order dated 28.08.2004 does not appear to be in consonance with the provisions contained in para 316 of IREM Vol. I which is reproduced below :-

Shank

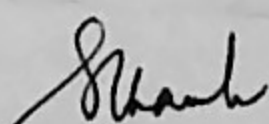
"Para 316 - A Railway servant who, for reasons beyond his control, is unable to appear in the examination/test in his turn along with others, shall be given the examination/test immediately, he is available and if he passes the same he shall be entitled for promotion to the post as it he had passed the examination in his turn....."

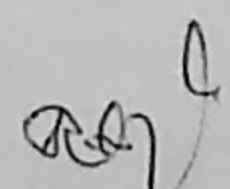
3. A perusal of the order and judgment dated 28.09.2004 shows that the provisions as contained in para 316 of IREM Vol. I have already been considered and adjudicated upon by the Central Administrative Tribunal at the time of passing the final orders as contained in para 6 of the judgment.

4. In this view of the matter the review application appears to be an appeal in disguise. We are also inclined to refer to the judgment in U.O.I & Ors. Vs. Tarit Ranjan Das, 2004 SCC(L&S) 160 passed by the Hon'ble Apex Court, the relevant extract of which is being reproduced below :-

"The scope for 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 re-hearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing on original application. This aspect has also not been noticed by the High Court."

4. For the reasons and case law mentioned above, the Review Application is dismissed.


MEMBER- A


VICE-CHAIRMAN.

/ANAND/