

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Review Application No. 41 of 2005
In
Original Application No.90 of 1996**

Allahabad this the 04th day of October 2005

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

Kamla Prasad Tiwari Son of Shri Bhagawati Prasad Tiwari, Resident of
Village Balua (Lakheshar) Post Shahpur, Tehsil Sadar, Distt. Jaunpur.
Applicant

By Advocate Shri K.K. Mishra

Versus

1. Union of India through the Comptroller of Auditor General of India,
New Delhi.
2. The Accountant General, Audit-I, U.P. Allahabad.
3. Senior Deputy Accountant General (Administration) Officer of
Accountant General Audit-I, U.P. Allahabad.

Respondents

ORDER

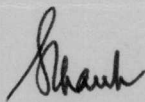
By Hon'ble Mr.A.K. Bhatnagar, Member (J)

This review application has been filed for review of the Judgment and Order dated 09.03.2005 by which O.A.No.90 of 1996 was dismissed being devoid of merit. As there is delay in filing the present review application, a delay Condonation application no 1970/05 has also been filed. The cause shown for delay is sufficient, therefore, delay is condoned in filing the present review application.

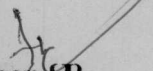
2. We have carefully gone through the grounds taken in the review application and the Judgment and Order dated 09.03.2005, which is a very detailed Order and has been passed after due consideration and placing reliance on the various Rules on the subject. The grounds taken in the present review application were well considered while passing the Order. The present attempt by the review applicant is to have the matter re-argue, 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 proposition 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./