

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 25<sup>th</sup> day of July, 2005.

QUORUM : HON. MR. D.R. TIWARI, A.M.

Delay Condonation Application No.2043 of 2005  
IN

**Rev.A. No.47/05**

IN

**O.A. No.1195/04**

Union of India..... Review Applicant.  
Counsel for Review applicant : Sri S. Singh.

Versus

Hem Kumar..... Respondent/Applicant.  
Counsel for respondent/Applicant : Shri

**O R D E R**

BY HON. MR. D. TIWARI, A.M.

The present Review Application has been filed by the Respondents against the order dated 7.4.2005 passed in O.A. No.1195/04. Along with the Review Application, application for delay condonation has also been filed by the applicant of the Review Application. In view of the reasons given in the delay condonation application, I feel, in the interest of justice the delay is condoned.

2. The points raised in the Review/Modification Application have been considered and taken into account while passing the order. In so far as para 3 of the review application is concerned, the order of the Tribunal is as under :-

"The respondents are directed to consider the applicant's case and appoint on compassionate ground within a period of 2 months from the date of receipt of the certified copy of this order."

3. The main objection, taken by the review applicant, is that the order is in the nature of direction for appointment of the candidate on

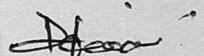
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compassionate ground. The counsel appears to have lost sight the words directed to consider. It does not mean that this is straightway order for appointment. The appointment has to be done after considering the applicant's case and I do not find that it is not in consonance with the various decisions of the Hon'ble Apex Court.

4. Settled legal position is that review is not appeal in disguise and it could be filed only when new facts have crept in which could not be noticed during the course of arguments. The order of this Tribunal is thus, perfectly in order and requires no change.

5. The review application is, thus, rejected.

  
A.M.

Asthana/