

UNDER CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. REVIEW APPLICATION NO.55 OF 2005
IN
ORIGINAL APPLICATION NO.732 OF 2003

ALLAHABAD THIS THE 21st DAY OF May, 2007

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. K. S. MENON, MEMBER-A

1. Union of India through,
General Manager, N. E. Railway,
Gorakhpur.
2. Divisional Railway Manager,
N. E. Railway, Varanasi.
3. Divisional Railway Manager (Personnel)
N. E. Railway, Varanasi.
. Applicant

By Advocate : Sri K. P. Singh

Versus

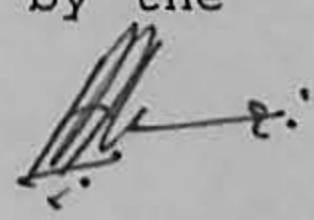
Awanish Kumar Singh,
Son Of Sri Ram Bachan Singh,
A/a 35 years, R/o Vill. Baqli Pinjara,
Distt. Maunath Bhanjan.
. Respondents

By Advocate :

ORDER

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

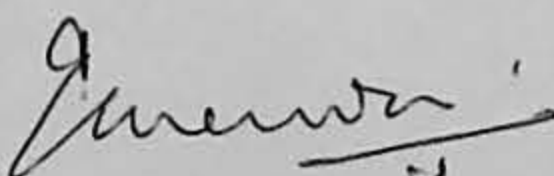
This Review Application has been filed against the order dated 21.07.2005. On perusal of the pleadings and the grounds urged in support of the review application we are of the considered view, that this Review Application is untenable in law, as the grounds urged are not coming within the preview and scope of review, in the absence of any error apparent on the face of record it is not open for us to go on other grounds as the scope is very limited, as held by the



Hon'ble Supreme Court in the case of Aribam Tuleshwar Sharma V. Aribam Pishak Sharma, AIR 1979 SC 1047, has held as under:-

"It is true as observed by this Court in Shivdeo Singh V. State of Punjab, there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the subordinate Court."

2. In view of the foregoing reasons this Review Application is dismissed.



Member-A



Member-J

/ns/