

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 11th day of July, 2007.

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

REVIEW APPLICATION NO. 88 OF 2005

IN
ORIGINAL APPLICATION NO. 1241 OF 2004

1. A. C. Pandey , S/o Aditya Prasad Pandey,
R/o Vill- Badgo, P.O- Baurvyas, Distt. Sant Kabir Nagar.
2. Uday Narayan, S/o Jai Ram Yadav,
R/o Vill. Sarverpur, Bhatuli, Distt. Mau.
3. Jai Prakash Mishra, S/o Sri C.B. Mishra,
R/o Vill. & Post- Bisaua, Distt. Sant Kabir Nagar.
4. U.S. Yadav, S/o Sri Shatrughan Yadav,
R/o Vill. & Post- Rayath, Distt. Basti.
5. Radhey Shyam, S/o Ram Dhani,
R/o Mohalla- Thakurdwara near Menhdawal,
P.O. Menhdawal , Distt. Sant Kabir Nagar.
6. R. C. Pandey, S/o Sri Jwala Prasad Pandey,
R/o Vill. Bajaha, P.O. Rayath, Distt. Basti.

.....Applicant.

VE R S U S

1. Union of India through Secretary, M/o Communications,
D/o Posts, New Delhi.
2. Superintendent of Post Offices,
Basti Mandal, Basti.
3. Assistant Superintendent of Post Offices,
Bansi Sub Division, Bansi, Distt. Basti.

.....Respondents

Present for the Applicant:
Present for the Respondents :

Sri H.P. Pandey
Sri S. Srivastava



ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, JM

This Review Application is filed against judgment and order dated 02.09.2005. By the said order, the O.A was dismissed on considering the merits of the case. Subsequently this application had been filed on 16.11.2005 alongwith application for condonation of delay stating therein that as the applicant had approached the counsel immediately after receiving the copy of order dated 02.09.2005 after one and half months and thereafter after going through the legal position and material on record, the applicant was advised to file the Review Application in the matter.

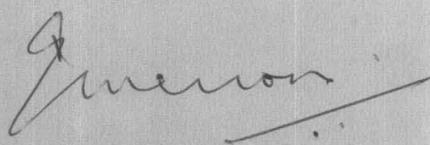
2. On notice, the respondents have filed their Counter Affidavit . They have contended that the applicant has not made out any case as sought in the Review Application. Having regard to the fact the order dated 02.09.2005 does not come within the purview of the Review and as such the Review Application deserves to be dismissed being not maintainable.

3. We have heard learned counsel for the parties and perused the contents stated in the accompanying Affidavit. Delay is not much and as such is condoned in filing the Review Application. Thereafter, the question arises whether the order, which is stated to be reviewed, can be reviewed or not. As contended by the learned counsel for the applicant that certain judgments passed on similar set of facts in other O.As have not been considered while passing the judgment and order dated 02.09.2005 and further it is stated that the respondents while rejecting the representation of the applicant have not considered the other orders



passed by Hon'ble Tribunal and, therefore, sought for review of the order passed by this Tribunal.

4. In view of the submission made by the learned counsel for the applicant and the grounds taken in the Review application, it is clear that the grounds taken by the applicant are in the nature of the grounds to be taken in appeal which cannot be taken as the grounds for the reviewing the order dated 02.09.2005, as held by the Hon'ble Supreme Court, is not permissible to accept the same. In the absence of error apparent on the face of the record, as already stated, the Review Application is not maintainable and, therefore, we do not find any ground for review the judgment and order dated 02.09.2005 and is accordingly dismissed.



(K.S. MENON)
MEMBER- A



(ASHOK S. KARAMADI)
MEMBER- J.

/Anand/