

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.**

**REVIEW APPLICATION NO. 90 OF 2005
IN
ORIGINAL APPLICATION NO. 1105 OF 2004**

THIS THE 30th 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 the Secretary, M/O Communication (Posts & Telegraph), New Delhi.
2. Sr. Superintendent of Post Offices, Gorakhpur Division, Gorakhpur.
3. The Post Master General, Gorakhpur Region, Gorakhpur.
4. Sub-Divisional Inspector (Post Office), Sub Division Kaudiram, Gorakhpur.

.....Applicants.

By Advocate : Sri S. Srivastava.

Versus.

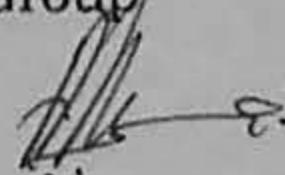
Narvedeshwar Tiwari, S/o Sri Ugra Nath Tiwari, R/o Village Saunkhor, Post Farsand Tehsil Gola, District Gorakhpur.

.....Respondent

By Advocate : Sri J.A. Azmi.

O R D E R
BY ASHOK S. KARAMADI, MEMBER-J

This Review Application is filed seeking review of the order dated 20.1.2005. By the said order, the O.A. was allowed. Against the said order, the respondents in the O.A. preferred Writ Petition before the Hon'ble High Court at Allahabad. The said Writ Petition was disposed by the Hon'ble High Court vide its judgment and order dated 27.10.2005. However, it is made clear that the contentions raised by the petitioners with regard to completion of 10 years of service of the respondent in Group



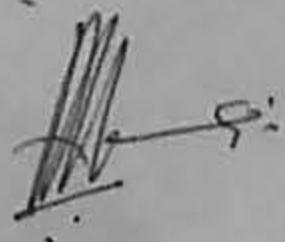
'D' cadre would not be entitled to earn any pension was not raised before the Tribunal, therefore, liberty was given to the petitioners to approach the Tribunal by filing a Review Application. As the said issue was raised by the petitioners in the Writ Petition, but the same was not raised before the Tribunal, therefore the Tribunal did not deal with the same. In view of the submissions, while passing the order by the Hon'ble High Court, the order passed by the Tribunal has been affirmed, but the liberty was given to the petitioners in the Writ Petition to file Review Application, if they so choose. Thereafter, this Review Application is filed by the respondents.

2. We have heard the learned counsel for the parties and perused the pleadings on record. The learned counsel for the applicants states that having regard to the fact that the respondent has not completed 10 years service by stating that he joined on 21.1.1996 and retired on 31.10.2003 and as such he would not be entitled for the relief and the order passed in the Original Application be reviewed. The learned counsel for the respondent submits that the fact remains that the petitioners in the Review Application have not brought any evidence or materials by which while passing the order in the Original Application, the same had been left out in spite of all the efforts and the diligence taken by the applicants, and in absence of any material on record, the order passed in the Original Application cannot be reviewed. Further, the order of the Tribunal has been affirmed by the Hon'ble High Court, but the liberty is given to the petitioners in the Writ petition to file a Review Application. The grounds are not sufficient in nature to review the order and the grounds which were not taken in the

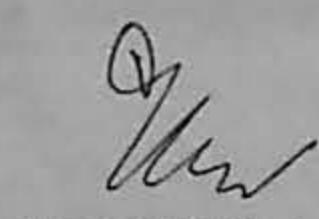


O.A. the same cannot be taken in the Review Application. The scope of review is very limited.

3. Having regard to the fact that the original order passed in the O.A. being passed after hearing both the counsel and thereafter the said order was challenged by the review applicants before the Hon'ble High Court, which was affirmed by the Hon'ble High Court, but liberty is given based on the facts as the said fact was not taken before the Tribunal. Having regard to the fact the respondent in the Review Application joined the service on 21.1.1996 and retired on 31.10.2003. On the contrary to the same, the learned counsel for the respondent states that he has got communications from the respondents department dated 3.10.2003 and 1.8.1995 from the petitioners in the Review Application, that some clerical error in the service record of the respondent, the documents could not be produced. Therefore, it cannot be said that the documents which are shown now to be accepted in the Review Application. In all these submissions and on going through the submissions of both the counsel we find no good ground to review the original order. On perusal of the pleadings, it is felt that no good grounds have been shown to review the original order. Further, the scope of review is very limited and no error apparent on the face of the record has been pointed out and the one pointed out is not done in spite of all the efforts and the diligence taken by the applicants before passing the order in the O.A. and as such the submissions of the learned counsel for the applicant cannot be accepted.



5. In that view of the matter, the Review Application fails and is dismissed accordingly.


MEMBER-A
MEMBER-J

GIRISH/-