

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Review No: 1678 of 1992
In
O.A. No: 947 of 1992

Union of India through DRM Applicants.

V E R S U S

Mangoo Ram Respondents.

Hon'ble Mr. Maharaj Din, Member-J

1. Union of India has filed this review petition against the order of this Bench dated 10.9.1992 in O.A. No: 947 of 1992. The petition has been considered under Rule 17(III) of this Central Administrative Tribunal (procedure) Rules 1987.

2. By the order dated 10.9.1992 passed in the O.A. application was allowed and the order of transfer of the Mangoo Ram, respondent, who was the applicant in the O.A. was quashed.

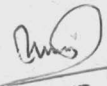
3. The petitioner through this review petition has prayed for review of this order on the ground that the original file of the department was brought to show that there were complaints against Mangoo Ram, so he was transferred from Bhadohi to Amethi on Administrative ground. This plea has not been taken in the reply filed by the petitioner in the O.A. So in the absence of pleadings, the evidence produced on that score was hardly of any relevance. More over, the applicant had no occasion to submit his reply if anything fresh is introduced at the time of final argument.



4. The review petition has been also preferred on the ground that the education of the daughter of Mangoo Ram was not under any impediment and it cannot be a case of double establishment if the applicant was allowed to retain the quarter Bhadohi.

5. The grounds on which the petition is preferred amount to the plea that the order was erroneous on merits. It has been held by the Hon'ble Supreme Court in A.T.Sharma Vs. A.B.Sharma (AIR 1979 SC 1047) that power of review may not be exercised on the ground that the decision was erroneous on merits. The petition for review can thus be entertained only on any of the ground mentioned in order 47 Rule 1 CPC. The review petition is not covered by any ground on which it is maintainable.

6. In view of the above, the review petition is not maintainable and the same is accordingly dismissed in Limine.


5.3.83
Member-J

Allahabad Dated:

(jw)