

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

A2/2

Review Application No: 1798 of 1993
In
Original Application No: 855 of 1993

Om Prakash Tewari Applicants.
Versus
Union of India & ors. Respondents.

Hon'ble Mr. Maharaj Din, Member-J

Om Prakash Tewari has filed this Review Petition against the order of this Bench dated August 10, 1993 in O.A. No. 855 of 1993. The petition has been considered under Rule 17 (III) of the Central Administrative Tribunal (Procedure) Rules 1987.

2. The petitioner sought the relief in the O.A. for cancellation of his transfer from Allahabad to Bhogaon. The petitioner was posted as A.S.M. Allahabad Junction since 20.4.1988. While deciding the O.A., it has been observed that there was no malafide ^{also} on the part of the Senior Superintendent who had no power to pass the transfer order. It has been further observed that the transfer of the applicant was made on Administrative ground.

3. The main grounds taken for modification of order sought to be reviewed are as under:-

That on discovery of new matter, the petitioner cited Rule 232 of the Indian Railway Establishment Code Vol. I.

It is further stated that the transfer, on Administrative grounds can equally be taken as "otherwise than for public ground", as such, this

Ans

Tribunal has taken an erroneous view that the transfer on the Administrative ground cannot be interfered with. Likewise the petitioner has said that he alleged malafide in passing the order of transfer and the same has been ignored.

4. The grounds taken in the review petition amounts 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 Supreme Court 1047) that the 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 grounds mentioned in order 47 Rule 1 C.P.C. Viz- on discovery of new and important matter or evidence which, after the exercise of due diligence was not within petitioner's knowledge or could not be produced by him at the time when the order was made or on account of some mistake or error apparent on the face of the record or for any other sufficient reason. As held by Hon'ble Supreme Court in Moran Mar Basselios Catholicos Vs. Most Rev. Mar Poulose Athanasius (AIR 1954 Supreme Court 526), the words 'another sufficient reasons' in this Rule must mean a reason sufficient on grounds, atleast analogous to those specified in the Rule. The Rule which has been quoted by the petitioner in the Review Petition ^{was a} in existence and it shall be presumed that it was within his knowledge at the time when the O.A. was filed and finally argued. This is also thus not covered by the grounds on which the review is maintainable under order 47 Rule 1 CPC.

Ans

5. In view of above, the Review Petition is not maintainable and the same is accordingly dismissed.

Pen

Member-3

Dated: Allahabad November 17th, 1993

/jw/