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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 21.3 - of 1995.

REVIEW APPLICATION NO. 5 OF 1995.

IN

ORIGINAL APPLICATION NO. 317 OF 1994.

O.K. Tyagi Applicant.

By Advocate Sri A.B.L. Srivastava.

Versus

U.O.I. & Others. Respondents.

CORAM: Hon'ble Mr. S. Das Gupta, MEMBER(A)

O R D E R

By Hon'ble Mr. S. Das Gupta, MEMBER(A)

1. This Review Application has been filed seeking Review of the Judgment and Order dated 25.11.1994 by which, the O.A. no. 317 OF 1994 was disposed of.
2. The applicant in the said O.A. had challenged the certain adverse remarks in his ACR for the period from 1.1.1989 to 16.6.1989 and prayed that he ^{be} ~~will~~ allowed to cross the efficiency bar w.e.f. 1.11.1990. It was held that on the basis of averments, this Tribunal could not interfere in the adverse remarks made in the ACR. But on certain considerations, the respondents were directed to arrange to ~~hold~~ a Review D.P.C to consider the case of the applicant for crossing E.S. on the basis of the reports which were required to be considered by the

Wf

D.P.C in October 1990.

3. The Review Application is based on the ground that the Tribunal's finding that the adverse remarks in the ACR can not be interfered in on the basis of the facts averred is erroneous. The reason why Tribunal came to the finding has been discussed in detail in the judgment and order dated 25.11.1994. I find no error apparent on the face of the record. A Review Application can not be filed if the decision is considered erroneous on merits.

4. The scope of a review of a judgment already delivered is very limited. A judgment and order already passed can be reviewed only if there is any error apparent on the face of the record or some new facts are brought out, which could not be brought out earlier despite due diligence, warranting review of the order. I find no error apparent on the face of the record in the judgment delivered nor have any new facts ^{been} brought out in the Review Application.

5. In view of the above, the Review Application is dismissed.


MEMBER (A)

ALLAHABAD: DATED:

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