

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Review Petition No.31/99  
In  
Original Application No.375/96

Dated

Coram : Hon'ble Shri S.L. Jain, Member (J)

Smt. Somwari Devi Widow of Late  
Krishna Prasad  
R/o Village - Singeron,  
P.O. Aunta, District Allahabad .. Applicant

Vs.

1. Union of India, through  
General Manager, Northern Railway,  
Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway,  
Allahabad. .. Respondents.

Order on Review Petition by circulation

The applicant / original respondents have filed this review application against the order dated 16.2.1999 in the month of May'1999 apparently beyond 30 days, prescribed period as per Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987 alongwith a delay condonation application.

2. The ground for delay condonation is that after receipt of the copy of the order on 11.3.1999, it was sent

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to Baroda House a week or so thereafter for their opinion and opinion was received in the first week of May'1999, then it was sent to Legal Department of North Eastern Railway, Allahabad for filing present review application. Thus, according to the applicant / original respondents delay is caused in moving the file from one table to another, from one office to another. The lethargy of the office of the respondents cannot be a ground for condonation of delay.

3. On merits, the findings are challenged in respect of application of order 2 Rule 2 C.P.C., entitlement of the applicant to receive family pension and liability to pay interest on the amount of family pension. This Tribunal has dealt with the said contentions in detail in this order in para 6,7,8 and 10.

4. A review cannot be made a vehicle for an appeal in disguise. The Supreme Court has held in Tungabhadra Industries Ltd. vs. State of Andhra Pradesh A.I.R. 1964 S.C.1372 that where without any elaborate argument one could point to the error and say there is substantial point of law which stares one in the face and there could reasonably be no two options entertained about it, a clear case of error apparent on the face of record would be made out.

5. Hence, the review petition contains only a repetition of arguments. This obviously cannot warrant a

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review since the implication is that the impugned order requires review on grounds already considered on merit.

6. Accordingly finding no merit ~~in~~ the application is also barred by time, the review application is summarily dismissed with <sup>out</sup> notice to the other party.

S. L. JAIN  
27/10/89  
( S. L. JAIN )  
MEMBER (J).

H.