

UNDER CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. REVIEW APPLICATION NO.10 OF 2006
IN
ORIGINAL APPLICATION NO.1310 OF 2003

ALLAHABAD THIS THE 21st DAY OF May 2007

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. K. S. MENON, MEMBER-A

1. Anoop Kumar Srivastava,
Son of Sri Ram Bihari Srivastava,
R/O 117/113-D Block Ram Lala Road,
Kakadeo, Kanpur Nagar.
2. Rajesh Kumar Srivastava, Son of Satish Kumar
Srivastava, R/o 117/113-D, Block Ram Lal Road,
Kakadeo, Kanpur Nagar.
3. Shashanta Kumar Das,
Son of Sri Sada Nand Das,
R/o 117/113-D, 'M' Block, Ram Lala Road,
Kakadeo, Kanpur Nagar.

. Applicant

By Advocate : Sri R. P. Singh

Versus

1. Union of India
through General Manager,
North Central Railway,
Allahabad.
2. Divisional Rail Manager,
North Central Railway,
Allahabad.
3. Senior Divisional Electrical Engineer (Rolling
Stock), Electric Loco Shed,
North Central Railway, Fazalganj, Kanpur.

. Respondents

By Advocate : Sri A. Tripathi

ORDER

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

This Review Application is filed against the
order dated 12.12.2005. By the said order the OA was



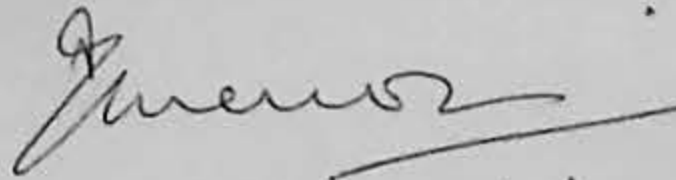
dismissed on merits. The applicant has filed this Review Application after securing the certified copy of this order on 23.01.2006. In para 4 of the Review Application with regard to limitation it is stated that it is barred by limitation, on the face of it, the application for certified copy was filed on 20.01.2006 and the copy was delivered on 23.01.2006. It clearly goes to show that after a period of thirty days the application for certified copy of the order was filed on receipt of the same the Review Application was filed on 23.01.2006, which is beyond the period of limitation. As the applicant has not filed any application for condonation of delay in filing the Review Application this Review Application is not maintainable and, therefore, the Review Application is dismissed. Otherwise, also on perusal of the grounds taken for review of the order we do not find any justifiable grounds to review the order or as the applicant has not made out a case to consider the same within the purview and scope of the review jurisdiction held by the Hon'ble Supreme Court in the case of Aribam Tuleshwar Sharma V. Aribam Pishak Sharma, AIR 1979 SC 1047, has held as under:-

"It is true as observed by this Court in Shivdeo Singh V. State of Punjab, there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new



and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of Appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all manner of errors committed by the subordinate Court."

2. For the above said reasons this Review Application is dismissed as not maintainable.



Member-A



Member-J

/ns/