

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

R.A. No.32 of 1999
(O.A. No. 1209 of 1997)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. B.P. Singh, Administrative Member

UNION OF INDIA & ORS. (E.RLY.)

VS

MANIK LAL BANERJEE

(Counsel present at the time of final hearing of the original application):-

For the Applicant : In person

For the Respondents : Mr. R.M. Roychowdhury, counsel

DISPOSED OF BY CIRCULATION

Date of order: 21.12.1999

O R D E R

D. Purkayatha, JM.

Official respondents of the original application bearing No.1209/97 sought for review of the judgment and order dated 13.8.99 passed in OA 1209/97 on the ground that this Tribunal committed an error on the face of the record that the claim of the present respondent for promotion to the post of S.S. Gr.I which is a non-selection post was barred under principle of resjudicata as that point has already been decided by the Tribunal in another OA No.566/92. So, the judgment of the Tribunal dated 13.8.99 is required to be reviewed.

2. We have gone through the records and we have also gone through both the judgments dated 13.8.99 passed in OA 1209/97 and dated 8.4.94 passed in OA 566/92. On a perusal of the ~~records of~~ [✓] the judgments, we find no infirmity in the judgment passed by this Tribunal on 13.8.99. The question of resjudicata, as alleged in the present review application is not sustainable. The point at issue as raised by the original respondents in the review application is

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not decided finally by the Court or Tribunal by the judgment dated 8.4.94. It is now well settled position of law that the Tribunal cannot act as a Court of appeal in a review application. A review cannot be done on a substantive issue already considered and decided. Power of review can be exercised only if a new and important matter is discovered or there is a mistake or error apparent on the face of the record. We find ~~that~~ no error apparent on the face of the record ~~is available~~. So, review application is devoid of merit and liable to be dismissed. Accordingly the review application is dismissed by circulation awarding no cost.

B. P. Singh
(B. P. Singh)

MEMBER (A)

D. Purkayastha
(D. Purkayastha)

MEMBER (J)