

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

RA No.88/2004

in

OA No.301/2002

New Delhi this the 14th day of December, 2004.

**HON'BLE MR. SHANKER RAJU, MEMBER (J)
HON'BLE MR. S.P. ARYA, MEMBER (A)**

Union of India & Others

-Applicants

-Versus-

Deen Dayal Joshi

-Respondent

ORDER (By Circulation)

This RA is directed against an order passed by the Tribunal in OA-301/2002 on 27.5.2004.

2. The scope of review under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Order XLVII , Rules (1) and (2), lies in a narrow compass. We have perused our order dated 27.5.2004 and do not find any error apparent on the face of the record or discovery of any new and important material, which even after exercise of due diligence, was not available with the review applicants. If the review applicants are not satisfied with the order passed by the Tribunal remedy lies elsewhere. By way of this review the review applicants seek to re-argue the matter, which is not permissible. The Apex Court in **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160 observed as under:

“13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two

orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court."

3. Having regard to the above RA is dismissed, in circulation.

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(S.P. Arya)
Member (A)

S. Raju
(Shanker Raju)
Member(J)

'San.'