

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

RA 31/2004
in
OA 156/1995

New Delhi this the 13th day of July, 2004

Hon'ble Shri Shanker Raju, Member (J).
Hon'ble Shri R.K. Upadhyaya, Member (A).

J.R. Sood,
S/o late Shri B.D. Sood,
Ex-Chief Permanent Way Inspector,
South Eastern Railway, Nagpur
(presently residing at House
No. B/37, H.A.L. Colony,
Lucknow.

....Applicant.

Versus

1. Union of India, through the Chairman,
Railway Board, Rail Bhawan,
New Delhi-110001.
 2. General Manager, South Eastern
Railway, Garden Reach,
Calcutta (now Kolkata).
 3. Chief Personnel Officer,
S.E. Railway,
Garden Reach, Calcutta
(now Kolkata).
 4. D.R.M. Nagpur, S.E. Railway, Nagpur.
 5. D.R.M. Bilaspur, S.E. Railway, Bilaspur.
 6. Sr. DEN, S.E. Railway, Nagpur.
 7. D.P.O., S.E. Railway, Nagpur.
 8. Sr. D.P.O., S.E. Railway, Bilaspur.
 9. G.J. Mohan Rao, Retired Adhoc AEN,
C/O General Manager, S.E.
Railway, Garden Reach, Calcutta
(now Kolkata).
- ... Respondents.

O R D E R (By Circulation)

Shri R.K. Upadhyaya, Member (A).

The present Review Application has been filed by
original applicant for review of the order dated



15.3.2004 in OA 156/1995. The grounds for review have been stated as follows:

"(A) Because the Hon'ble Tribunal has committed manifest error of law in not recording the finding that the claim of the applicant was highly belated, without appreciating the fact that he has been litigating for his claims all through.

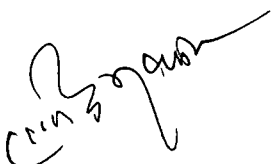
(B) Because the Hon'ble Tribunal has erred in law in recording the finding that the claims of the applicant are barred by the principles of resjudicata or constructive resjudicata.

(C) Because the Hon'ble Tribunal has committed manifest error of law in not appreciating that the claims of the applicant were not stale.

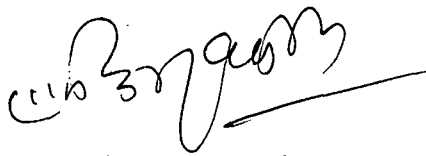
(D) Because the Hon'ble Tribunal has failed to appreciate the relevant documents and judgments on record.

(E) Because the judgment and order dated 15.3.2004 suffers from the errors apparent on the face of record".

2. A bare perusal of the above grounds indicates that the applicant is trying to reargue the case as the only objection to the order of the Tribunal is failure "in not appreciating" the relevant facts, etc. The scope of review under Rule 17 of the CAT (Procedure) Rules, 1987 read with the provisions contained in Section 22 (3) (f) of the Administrative Tribunals Act, 1985 is to review the order for correction of obvious and patent errors. There is no such error or obvious mistake. As a matter of fact, the applicant appears to be aggrieved by not appreciating the facts in the manner the applicant wanted. It will amount to arguing the case again. This



is not within the scope of review as has been held by the Hon'ble Supreme Court in the case of Subhash Vs. State of Maharashtra and Anr. (AIR 2002 SC 2537). In the result, this Review Application is rejected at the circulation stage without issue of any notice to the opposite party.



(R.K. Upadhyaya)
Member (A)



(Shanker Raju)
Member (J)

'SRD'