

Before the Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 43/2004 in Original Application No:587/1996.

This the 26th day of April, 2005

HON'BLE SHRI S.P. ARYA, MEMBER (A)

HON'BLE SHRI M.L. SAHNI, MEMBER(J)

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Chief Engineer, Central Command, Lucknow.
3. Commander Works Engineer, 229, Mahatma Gandhi Marg, Lucknow Cantt.
4. Garrison Engineer E/M, Lucknow Cantt.
5. Sri Neelam Kumar (MES-454283) Refrigerator Mechanic, HS-I
6. Sri Har Bachan (MES-447040) Refrigerator Mechanic HS-I.

Reviewists

By Advocate: Sri Deepak Shukla for Sri Prashant Kumar.

Versus

Nanda Ballabh son of late Sri Bachi Ram r/o 135/2 Outram Lines, Contonment,
Lucknow

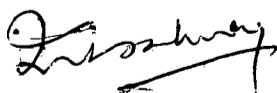
...Opposite Parties

By Advocate: None

ORDER (ORAL)

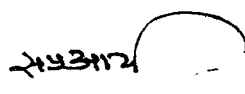
BY HON'BLE SHRI S.P. ARYA, MEMBER(A)

This Review Application has been filed by the respondents of O.A. No. 587/1996 decided by judgment and order dated 12.8.2003 on the grounds that Tribunal has committed a mistake in holding the applicant senior to private respondents. The O.A. cannot be re-adjudicated under review jurisdiction. There is specific findings in para 6 of the judgment of 12.8.2003 that the applicant was senior to both the private respondents. Relying the ratio of the judgment of the Apex Court in Union of India Vs. Tarit Ranjan Das 2004 SCC (L&S) 160, we find that the evidence in the O.A. cannot be re-assessed and judgement rewritten in the O.A. Accordingly Review Application is rejected.



(M.L. Sahni)

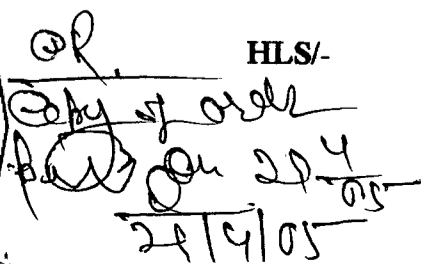
MEMBER(J)



(S.P. Arya)

MEMBER(A)

HLS/-


24/4/05