

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

RA No. 31/2005

in

OA No. 97/2005

This the 3<sup>rd</sup> day of June, 2005.

**Hon'ble Mr. Shanker Raju, Member (J)**  
**Hon'ble Mr. M.Kl. Misra, Member (A)**

Shri Nattha s/o Shri Dulare,  
R/o E-5/57, Rajajipuram, Lucknow.

-Applicant

-Versus-

Union of India through

1. Chief General Manager,  
Ministry of Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Moradabad.
3. Section Engineer (Pathway)  
Northern Railway, Hardoi.

-Respondents

**ORDER (By Circulation)**

**Mr. Shanker Raju, Member (J)**

The present R.A. has been filed by the review applicant seeking review of this Tribunal's order dated 26.04.2005 passed in OA 97/2005.


2. As the order under review passed by this Tribunal is innocuous, the contention now raised could have been replied in the form of reply to the representation of the applicant. We have decided no substantive right but directed consideration of representation. By filing this R.A., an attempt has been made to re-agitate the matter, which is not permissible in law. If the review applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere. 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 bereft of merit and is accordingly dismissed in circulation.

  
(M.K. Misra)  
Member (A)

  
(Shanker Raju)  
Member (J)

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OR  
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