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**Central Administrative Tribunal
Lucknow Bench Lucknow**

Review Application No. 38/2006

In

Original Application No. 511/2005

This, the ¹⁵ 19 day of September 2007.

Hon'ble Mr. M. Kanthaiah, Member (J)

Pawan Kumar Singh aged about 34 years s/o Late Sri Harishanker singh
Postman Kachhaucha District Ambedkar Nagar, Faizabad Division R/o
Village & P.O. Balavpur(Mittupur) District Azamgarh.

Applicant.

By Advocate Shri R.S. Gupta.

Versus

1. Union of India through the Secretary Department of Post Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P. Lucknow.
3. Senior Superintendent of Post Offices, Lucknow.

Respondents.

By Advocate Shri S.P. Singh.

ORDER

By Hon'ble Mr. M. Kanthaiah, Member (J)

The petitioner, who is the applicant in the original application has filed this review application to reconsider the orders of this Tribunal dated 3.8.2006 and by allowing his claim, direct the respondents to reconsider his claim for appointment under compassionate, on the ground that this Tribunal allowed such claim of applicant in other O.A. 140/2005 dated 03.02.2006 and O.A.No.597/2002 Dt. 09.09.2005.

2. The respondents have filed objections opposing the claim of the applicant, stating that there are no justified reasons to allow the claim of the applicant for the relief as claimed in this review.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed.

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5. The admitted facts of the case are that this applicant filed O.A. 511/2005 to quash the order dated 25.4.2005 (Annexdure-1), where under rejected his claim for compassionate appointment under dying in harness Rule and also direct the respondents to reconsider the case. After completion of pleadings and on hearing the argument of both side, this Tribunal passed the order, dismissing the claim of the applicant.

6. Thereafter, the applicant filed this application to review the orders of this Tribunal dated 3.8.2006, on the ground that this Tribunal allowed similar claims of the applicant in O.A. 597/2002 dated 9.9.2005 and O.A. 140/2005 dated 3.2.2006 and directed the respondents to reconsider the case of the applicants and filed copy of the orders. He also relied on the judgment reported in 1997 (6) SCC page 473 K. Ajit Babu & Others Vs. Union of India & Others stating that the Doctrine of precedent is applicable to the Central Administrative Tribunal also.

7. Admittedly, the scope of review is very limited under Order 47 Rule- (1) of C.P.C. The applicant is entitled for review of the orders if there is any error on the face of record or new fact has been discovered which was not within the knowledge of the parties at the time of disposal of the case. But in the instant case, the applicant sought review of the order on the ground that similar claims of the parties for compassionate appointment was allowed by the Tribunal in other two cases In O.A. No. 140/2005 dated 03.02.2006 and O.A.No.597/2002 Dt. 09.09.2005 of this Tribunal. For relying on any judgment of the decided cases of the Tribunal, no doubt one has to follow the principle laid down in such judgment while allowing the claims of the parties and thus, Doctrine of precedent is applicable in the Central Administrative Tribunal also but no such principles were laid down in the relied judgments of O.A. No. 140/2005 dated 03.02.2006 and O.A.No.597/2002 Dt. 09.09.2005 and the claims of those parties have been allowed basing on the facts mentioned therein. without laid down of any principle in the said judgments, it is not at all open to the applicant to claim that his claim

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has to be allowed, as the claim of others party in their applications are allowed is not at all justified. Thus, the arguments of the applicant is not helpful to either review this application or to allow his claim on the ground that similar claims of the other parties have been allowed by this Tribunal.

8. In this review application, the applicant has not satisfied any of the requirements of Order 47 Rule (1) of CPC to allow his review application and as such the same is liable for dismissal.

9. In view of the above circumstances, there are no justified grounds to allow the claim of the applicant for review of the order and judgment of the Tribunal Dt. 23.3.2007. Thus, the application is liable for dismissal.

In the result, Review Application is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)

19.09.2007

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