

Central Administrative Tribunal  
Lucknow Bench : Lucknow

R. P. No.24/2006  
MA No.1547/2006  
IN  
OA No.316/1998

New Delhi this <sup>12<sup>th</sup></sup> day of September, 2006

Hon'ble Mr. Justice Khem Karan, Vice-Chairman  
Hon'ble Mr. N.D. Dayal, Member (A)

Shri T.N.Tripathi  
S/o Shri R.B.Tripathi aged about 64 years  
and resident of F 3933,  
Rajajipuram, Lucknow.

...Applicant.

Versus

1. Union of India through  
the General Manager  
Headquarter office  
Baroda House, New Delhi &
2. The Divl. Railway Manager,  
Divisional Railway Manager,  
Divisional Office,  
Hazaratganj, Lucknow.

...Respondents

ORDER (BY CIRCULATION)

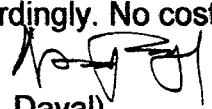
By Hon'ble Shri N.D. Dayal, Member (A)

This R.P. No.24/2006 arising out of OA 316/1998 has been filed by the applicant in the OA along with MA 1547/2006 for condonation of delay. The order was passed in the OA on 15.5.2006 whereas the RA has been filed on 27.6.2006. In the MA, it has been submitted that the petitioner was out of station because of which the review could not be filed before the summer vacation which started on 10.6.2006.

2. In the review petition the applicant has prayed for modification of the orders passed after issuing of notice and also that the applicant be allowed to be heard on the new points stated in paras 9(b) and 9 (d) of the petition. The applicant has referred to the averments in the OA and the annexures thereto and argued that during the period of 2 ½ years between 24.8.1995 to 22.2.1998, the applicant was not under any punishment and could have been considered for being placed on the panel. He has also drawn attention to the submissions made in the rejoinder as well as observation of the Tribunal in its judgement and discussed the merits of the case pointing out the failure of the Tribunal in taking note of the relevant submissions. The applicant has further put forward the new grounds in paras 9 (b) and 9 (d) in support of the prayer in the review petition.

3. The scope of review is very limited. It is settled law that a review application cannot be filed to reargue the whole matter nor can the power of review be exercised on the ground that the decision was erroneous on merits since in a review, the Tribunal is not sitting in appeal over its own order as per Apex Court judgement in the case of Smt Meera Bhanja v. Smt. Nirmala Kumar Choudhury AIR 1995 SC 455. It is

not permissible to facilitate a change of opinion on merits by a fresh re-hearing of the matter as held by the Apex Court in Union of India vs. Tarit Ranjan Das reported in 2004 (2) ATJ SC 190. Since the RA does not satisfy the pre conditions similar to those laid down in Rule (1) of Order 47 of the Civil Procedure Code, we are not persuaded that sufficient grounds have been made out so as to warrant interference by invoking the review jurisdiction. The RA is therefore dismissed. MA is disposed of accordingly. No costs.

  
(N.D. Dayal)  
Member (A)

  
(Khem Karan)  
Vice-Chairman

/kdr/