

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.32/2007
In
Original Application No.632/2005
This the 8th day of May 2008.

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Union of India and Others

...Applicant.

By Advocate: Shri S.P. Singh.

Versus.

Urmila Saharma aged about 45 years (OBC) widow of Late Sri
Laxmi Narain, Ex-Postman, Aminabad Park Post Office, R/o DSE
1/164, Sector-C, Sitapur Road Yojana, Aliganj, Lucknow.

.... Respondents.

By Advocate: None.

(Under Circulation)

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The petitioners, who are the respondents in OA have filed this review application under Section-22 (3) (f) of the Administrative Tribunal Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 for reviewing the order and judgment of the Tribunal Dt. 18.10.2007 on the ground that the authorities have passed the impugned rejection order while considering the claim of the respondent/ applicant for compassionate appointment and this Tribunal failed to appreciate the reasons and speaking order of the Circle Relaxation Committee.

2. The matter has been taken in Circulation.



3. The point of consideration is whether the applicant is entitled for review of the judgment as prayed for.

4. The admitted facts of the case are that the respondent herein is the applicant who filed O.A. challenging the impugned rejection order covered under Annexure-A-1 and for direction to the respondents for her appointment on compassionate ground. After exchange of pleadings and after hearing both side Advocates, this Tribunal passed the order / judgment Dt. 18.10.2007 allowing the claim of the applicant and also imposed cost of Rs. 1500/- on the respondents.

5. Thereafter, the respondents in the OA have filed this petition for review of the order and judgment /Dt. 18.10.2007.

6. The petitioner / respondents have filed this review application on the ground that the authorities have passed the rejection order covered under Annexure-A-1 with a reasoned and speaking order and further, the CRC after considering the various aspects in respect of entitlement rejected the claim of the applicant but this Tribunal has not taken note of all those aspects and as such, they sought for review of the order and judgment of this tribunal.

7. On perusal of the order and judgment Dt. 18.10.2007, it is clear that this Tribunal has discussed the reasons given in the impugned order and also validity and correctness of such reasons and after having full and through discussion only this Tribunal gave findings in respect of reasoned order covered under impugned order Annexure-A-1 and also passed the judgment. When there was such a discussion and reasons, it is not open to the petitioners / respondents to reagitate on the same discussed aspects for review of the order and judgment. Whatever, grounds the petitioners/ respondents have

taken in this review application in respect of consideration of the claim of the applicant for compassionate ground and also the reasons, if any, given under impugned rejection order covered under Annexure-A-1, when discussed in full fledged manner and thereafter, findings have been given by this Tribunal and in such circumstances again re-considering such grounds, which the petitioners / respondents have taken by way of this review application is not at all maintainable.

8. By way of review one can seek the review of judgment and order in respect of any typographical mistake, error or calculation mistake but not by way of discussing the facts and circumstances of the case again and again and thus, whatever, the petitioner / respondents sought for review of the order and judgment of the Tribunal, which is not within the scope of review and such claims, are to be considered only by way of appeal but not by review and as such review application is liable for dismissal.

In the result, review application is rejected in Circulation. No costs.


(M. KANTHAIAH)
MEMBER (J)

08.05.2008

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