

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 01/2007 in O.A. No. 512/1997

This the 9th day of January, 2007

HON'BLE SHRI A.K. SINGH, MEMBER (A)
HON'BLE SHRI M. KANTHAIAH, MEMBER (J)

Dildar Hussain aged about 45 years son of late Shri Julfakar Hussain, resident of 3/204, Ruchi Khand, Sharda Nagar, Jail Road, Lucknow (Presently working as Fitter (Mate) in the Indian Institute of Sugarcane Research, Lucknow.

... Reviewist

By Advocate: Shri R.C. Singh

Versus

1. Indian Council of Agricultural Research, New Delhi through its Secretary.
2. Indian Institute of Sugarcane Research, Raebareli Road, Dilkusha, Lucknow.
3. Director, Indian Institute of Sugarcane Research, Raebareli Road, Dilkusha, Lucknow.
4. Ashok Kumar Vishwakarma, Hamerman Grade II, Indian Institute of Sugarcane Research, Raebareli Road, Dilkusha, Lucknow (Selected and appointed on the post of Turner)

.. Respondent

ORDER (BY CIRCULATION)

BY HON'BLE SHRI A.K. SINGH, MEMBER (A)

We have perused Review Application 1/2007 against the order passed by the Tribunal in O.A. No. 512/1997 on 7.12.2006 and the grounds mentioned therein

2. On a perusal of our order dated 7.12.2006, we do not find any error apparent on the face of record. We also do not find discovery of any new and important material, which can materially alter the facts or the complexion of the case. Moreover, by way of this review, the review applicant is seeking to re-argue the matter, which is not permissible in law. The Apex Court in *Union of*



India Vs. Tarit Ranjan Das 2004 SCC (L&S) 160 observed as
under:-

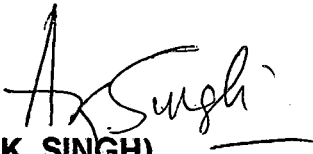
"The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope of review is rather limited and 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."

4. Having regard to the above, R.A. is dismissed in circulation.


(M. KANTHAIAH)
Member (J)

HLS/-

9.1.07


(A.K. SINGH)
MEMBER (A)

or
copy of order
dated 9-1-07
prepared
10-1-07