

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Review Application No.35/2002
In
Original Application No.459/2001
This the 1st day of July 2009.**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Union of India & Others. Applicant.
By Advocate: Shri Deepak Shukla.

Versus,

K.K. Bajpai Respondents.
By Advocate: None.

ORDER


BY MR. M. KANTHAIAH, MEMBER (J)


The petitioners, who are the respondents in OA have filed this review application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 for review of the order and judgment of the Tribunal Dt. 22.07.2008 on the ground that this Tribunal failed to consider the fact that a mercy petition was preventing by the prescribed authority from forwarding to the President. But due to oversight this Tribunal has committed an error while passing order, which itself appeared on the fact of the records hence, the order of the Tribunal dt.22.7.2008 has to be reviewed. In spite of notice to the respondents, there was no representation from him.

2. Heard the applicant counsel.
3. The brief facts of the case are that the applicant's OA was disposed of on 01.09.2009 with a direction to the respondents to dispose of the pending review petition of the applicant by passing a reasoned and speaking order within a period of three months from the date of receipt of the copy of this

order. But , it is the case of the respondents that the mercy petition of the applicant was already withheld by the prescribed authority and not forwarded to the President which they also brought to the notice of the court but the same has not been considered by the Tribunal, while passing the order dt. 22.7.2008 and as such, they have filed this application for review of the order.

4. The respondents in their Supp. Counter Affidavit, have stated in respect of mercy petition of the applicant has already been withheld by the prescribed authority but this Tribunal without noticing the said fact, disposed of the OA with a direction to the respondents to dispose of the pending review petition of the applicant by passing a reasoned and speaking order. Non mention of the mercy petition does not in any way affect the merit of the judgment. It may be stated that mercy petition is not part of any statutory relief which the original applicant is entitled to. Therefore, there is no apparent error in the order dt.22.07.2008, which call for any review. Therefore, the review petition is dismissed as without merit.


(Dr. A.K. Mishra) 01/07/09
Member (A)


(M. Kanthaiah)
Member (J)
01.07.09