

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Review Application No.11/2009
In
Original Application No.253/2008
This the 18th day of March 2009.**

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

M.M. Mishra **...Applicant.**

By Advocate: Shri A.C. Mishra.

Versus.

Union of India & Others **... Respondents.**

By Advocate: None.

(Under Circulation)

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed this Review Petition under Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987 for review of judgment and order Dt. 12.01.2009 on the ground that some important points have missed the attention of the Tribunal and also that the findings of the Tribunal on the point of Res-judicata are not correct.

2. The matter has been taken up under Circulation.
3. The facts of the case are that the applicant filed the OA with a prayer to treat the period for waiting for orders w.e.f. 16.11.1993 to 31.10.1994 as spent on duty at Charbagh Shed itself or alternatively to treat it as leave due (LAP, LHAP or extra ordinary leave as leave) basing on the

orders passed by the then General Manager, North Eastern Railway Headquarter at Gorakhpur on 31.10.1994.

4. The respondents have raised preliminary objections on the ground of limitation and also on the ground that such claim of the applicant was decided on earlier occasion in O.A.No.500/1993 dt. 15.5.2001. After hearing both sides, this tribunal has rejected the OA at admission stage on the ground of limitation. In such circumstances, the applicant, now agitating the matter for review and deciding his claim on merits and also on the ground that the Tribunal has not taken into consideration his pleas is not at all maintainable. Now by way of review application the applicant has sought to review the findings of this tribunal on maintainability, which is not within the scope of review as contemplated under Order 47 Rule 1 of C.P.C. The claim of the applicant to review the findings of the tribunal on such issues is nothing but re-appraisal of earlier discussion, which is within the scope of appeal but does not fall within the scope of review and as such, there are no merits in the claim of the applicant for review of the judgment and order of this tribunal Dt. 12.01.2009.

In the result, review application is rejected.

Aprijal 18/03/09
(DR.A.K. MISHRA)

MEMBER (A)

18/03/09
(M. KANTHAIAH)

MEMBER (J)

AMIT/-

*april 18/03/09
drd 18/03/09
retd 18/03/09
no 3/2nd*