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Central Administrative Tribunal
Lucknow Bench

RA 11 of 2010 in OA 451/2009

This 1st day of July, 2010.

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

Veena Srivastava aged about 62 years Review Applicant
wife of Shri K.C. Srivastava
retired PA
Chowk HPO R/O 13/24 Vikas Nagar,
Lucknow

By Advocate Shri R.S. Gupta ... Applicant

..vs..

Union of India through the
Secretary
Department of Post
Dak Bhawan, New Delhi

2. Chief Postmaster General
U.P. Lucknow

3. D.A(P),
U.P. Circle
Aliganj,
Lucknow

4. S.S.P.Os
Lucknow

5. Senior Postmaster Respondents.
Lucknow Chowk
Lucknow.

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Order:Pronounced by the Hon'ble Mr. M. Kanthaiah, Judicial Member.

The applicant in the OA has filed RA under Rule 17 of CAT Procedure Rules, 1987 for review of order dated 12.4.2010 passed by this Tribunal by way of restoration of OA to its original stage for placing some materials which he did not file at the time of hearing.

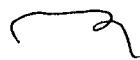
2 This matter has been taken up in circulation.

3 The brief facts of the case are that the applicant filed OA to restore the pay of the applicant to Rs.6215 as on 30.4.2008 in the pre revised scale and also to pay all retiral dues on the basis of the restored scale under 6th Pay Commission recommendation with all consequential benefits thereon.

4 After exchange of pleadings and after hearing both sides, the Tribunal passed order on 12.4.2010 with a result of dismissal of the OA. Thereafter the applicant has filed the present review application stating that the respondents have furnished incorrect information and mis led the Tribunal which resulted in dismissal of the OA. Now he wants to place some of the documents to justify his claim in the OA and as such filed the present application for review of order of the Tribunal in OA dated 12.4.2010.

5 By way of review, the applicant is seeking restoration of OA to its original position for fresh hearing by receiving some of the additional documents which he did not file during the course of arguments. Admittedly the OA was disposed of after due contest and there was no dismissal for default. Restoration of OA to its original stage will arise only if there was an order of dismissal on the ground of default. Admittedly no so such circumstances are prevailing in the present case and as such seeking for restoration of OA by way of review is not at all sustainable.

6 The scope of review is very limited and it can be entertained in case of any mistake, ie typographical or arithmetics or if there was any error apparent on the face of the record but no such circumstances are raised in the case of



the applicant for entertaining the present review application. Further he wants restoration of OA after receiving some documents and also for fresh hearing which is nothing but re appraisal of the material afresh which is within the scope of appeal but not review as provided under Order XLVII of Rule 1 of CPC. It is also not the case of the applicant that he was not in a position to produce the present documents or he secured subsequently or that because of such changed circumstances it was necessitated for him to bring it to the notice of the Tribunal for review of the order dated 12.4.2010.

7 Thus the claim of the applicant either for restoration of OA for receiving of additional documents or re appraisal of the evidence of record is not within the scope of review and as such the application for review is not at all maintainable. Thus the RA deserves for rejection.

8 In the result, the RA is rejected.


(Dr. A.K. Mishra)
Member(A)

01/07/10


(M. Kanthaiah)
Member(J).

MB

~~copy of order~~
dated - 1-7-10
Revised
06-7-2010