

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.17/2004

In

Original Application No.67/2002

This the 15th day of September 2008.

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

Gyaneshwar Pant, aged about 66 years, son of Sri Dharmanand Pant, resident of B-1, Sector H, Aliganj, Lucknow.

...Applicant.

By Advocate: Shri P.K. Awasthi for Shri Shireesh Kumar.

Versus.

1. Union of India, through the Secretary, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, Jawaharlal Nehru Marg, Kolkata.
3. The Appointment Committee of Cabinet, through the Establishment Officer, Ministry of Personnel, Pension and Public Grievances, Shastri Bhawan, New Delhi.
4. The Union Public Service Commission, Dhaulpur House, Shahjhan Road, New Delhi, through its Secretary.

.... Respondents.

By Advocate: Shri S.P. Singh.

ORDER

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

The applicant has filed the Review application with a prayer to review the order of this Tribunal passed in O.A.No.67/2004 Dt. 18.11.2003 on the ground that the applicant was entitled to the salary and other benefits attached to the post of Deputy Director General, (Geology) but this Tribunal has not considered it in its order Dt.

18.11.2003. He also stated that the Tribunal has committed error stating that he was wrongly denied the promotion as DDG (Geology). He also raised another ground with a prayer to allow his claim on the ground that the Tribunal not considered all his pleas.

2. The respondents have filed objections, stating that the ground taken by the applicant are not tenable in the eye of law and also stated that the review application was not at all maintainable and thus, prayed for dismissal.

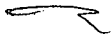
3. The applicant also filed Rejoinder Affidavit, denied the stand taken by the respondents.

4. Heard both the parties.

5. The point of consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant filed O.A.No.67/2004 with a prayer to issue direction to the respondents to treat the applicant as promoted to the post of Deputy Director General, (Geology) w.e.f. March, 1999, when, he was assigned the duty of the post of Deputy Director General, (Geology), since the vacancies were available, with all consequential benefits.

7. After exchange of the pleadings and after hearing both the sides, this Tribunal dismissed the OA on 18.11.2003 (Ann.-RA-1). Thereafter, the applicant filed Writ Petition NO. 91 (SB) of 2004 on the file of Hon'ble High Court of Allahabad (Lucknow Bench) but the same was dismissed on 22.01.2004 as not pressed with the liberty to the petitioner to file Review petition before this Tribunal. Thereafter, the applicant has filed the present review application taking eleven grounds stating that the Tribunal did not considered all the aspect




raised by the applicant and also committed error on some of the pleas and as such, the orders of the Tribunal is liable to be set aside with a direction to the respondents to treat the applicant as regularly promoted to the post of Deputy Director General, (Geology) with all consequential service benefits w.e.f. 1993.

8. The grounds, which the applicant has raised in the review application require detailed discussions and it is nothing but reappraisal of the discussions on each and every plea of the applicant and findings given there on by this Tribunal, which is not within the scope of review application. The applicant is justified in seeking review of the order of the Tribunal, if there is any typographical mistake, error or calculation mistake but not by way of re-adjudicating the case afresh and as such, the claim of the applicant for review of the order and judgment Dt. 18.11.2003 of this Tribunal is beyond the scope of review. By way of this review, the applicant wants reappraisal of discussion in respect of his entire case, which has to be considered only by way of appeal but not within the purview of review as contemplated under Section 22-(3) (f) of Administrative Tribunal Act, 1985.

11. In view of the above circumstances the claim of the applicant to review the orders of the Tribunal Dt. 18.11.2003 is beyond the scope of review application and as such the same is not at all maintainable.

In the result, Review application is dismissed.


(DR. A.K. MISHRA)
MEMBER (A) 13/09/08


(M. KANTHAIAH)
MEMBER (J)
15-19-08