

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

RA 30/2004
in
OA 371/1994

New Delhi this the 13th day of July, 2004

Hon'ble Shri Shanker Raju, Member (J).
Hon'ble Shri R.K. Upadhyaya, Member (A).

J.R. Sood,
S/o late Shri B.D. Sood,
Ex-Chief Permanent Way Inspector,
South Eastern Railway, Nagpur
(presently residing at House
No. B/37, H.A.L. Colony,
Lucknow.

....Applicant.

Versus.

1. Union of India, through the Chairman,
Railway Board, Rail Bhawan,
New Delhi-110001.
2. Executive Director, Vigilance,
Railway Board, Rail Bhawan,
New Delhi.
3. General Manager, South Eastern
Railway, Garden Reach,
Calcutta (now Kolkata).
4. Divisional Railway Manager,
South Eastern Railway,
Nagpur Division, Nagpur.
5. Senior Divisional Engineer,
S.E. Railway, Nagpur Division,
Nagpur.
6. Divisional Personnel Officer,
S.E. Railway, Nagpur Division,
Nagpur.

...Respondents.

O R D E R (By Circulation)

Shri R.K. Upadhyaya, Member (A).

The present Review Application has been filed by original applicant for review of the order dated 15.3.2004 in OA 371/1994. The grounds for review have been stated as follows:



(A) Because the Hon'ble Tribunal has committed manifest error of law in not appreciating the relevant facts and documents on record.

(B) Because the Hon'ble Tribunal has erred in law in not appreciating the fact that the applicant could not have been made to suffer for no fault on his part.

(C) Because the Hon'ble Tribunal has committed manifest error of law in not appreciating that in the event of refusal to issue settlement and kit pass, the applicant had no other alternative but to shift his house hold at his own expense for which he had submitted proper claim, which was liable to be reimbursed.

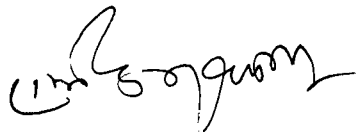
(D) Because the Hon'ble Tribunal has failed to appreciate the relevant documents and judgments on the subject.

(F) Because the judgment and order dated 15.3.2004 suffers from the errors apparent on the face of record.

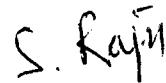
2. A bare perusal of the above grounds indicates that the applicant is trying to reargue the case as the only objection to the order of the Tribunal is failure in not appreciating the relevant facts, etc. The scope of review under Rule 17 of the GAT (Procedure) Rules, 1987 read with the provisions contained in Section 22 (3) (f) of the Administrative Tribunals Act, 1985 is to review the order for correction of 'obvious' and 'patent' errors. There is no such error or obvious mistake. As a matter of fact, the applicant appears to be aggrieved by not appreciating the facts in the manner the applicant wanted. It will amount to arguing the case again. This is not within the scope of review as has been held by the Hon'ble Supreme Court in the case of Subhash Vs. State of Maharashtra and Anr. (ATR 2002 SC 2537). In the

ambhargam

result, this Review Application is rejected at the circulation stage without issue of any notice to the opposite party.



(R.K. Upadhyaya)
Member (A)



(Shanker Raju)
Member (J)

'SRD'