CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW   BENCH   LUCKNOW.

REVIEW APPLICATION NO: 100/2004.   DATED: 3rd JANUARY, 2005.

HON'BLE SHRI S.P. ARYA MEMBER(A)
HON'BLE SHRI M.L. SAHNI MEMBER(J)

1.   Union of India, through the Secretary, Ministry
      of Railways, Rail Bhawan, New Delhi.

2.   General Manager, Northern Railway, Head Quarter
      Office, New Delhi.

3.   Chief Bridge Engineer, Northern Railway, Head Quarter
      Office, New Delhi.

4.   Deputy Chief Engineer, Northern Railway, Bridge Workshop,
      Charbagh, Lucknow.

                              .....Applicants.

BY Advocate Shri Raj Singh for Shri A. K. Chaturvedi.

VERSUS

Bodh Raj Aged about 60 years son of Late Mehar Chand
resident of Quarter No. 2-22-C, Northern Railway, Barha
Colony, Alambagh, Lucknow.

                              .....Respondents.

BY Advocate None.

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA MEMBER(A)

        The Review Application seeks for reviewing the order
dated 25.8.2004 in O.A. 161/97 directing the respondents

to consider the regularisation of the applicant
w.e.f. 28.10.1976 and also to consider the case
for interpolating his name in the seniority
list with other consequential benefits, in acc-
ordance with rules. This review application has
been filed on 24.11.2004 with an application for
condonation of delay on the grounds that filing
of this review petition is not wilful and deliberate.
Ab initio, we do not find the grounds shown in the
application from convencing.

2. We have heard the counsel for the reviewist.
It is stated that the case of the applicant Bodh Raj
was decided on the grounds of the decision taken in
the case of Virendra Pal Singh. It is further stated
that the orders passed in respect of Virendra Pal
Singh have been recalled. This has necessiated of the
review of the judgment.

3. We have perused the judgment and order dated
25. 8.2004 and the review application. The counter reply
in the O.A. 161/97 has been filed by one Shri S.C. Banerjee
on behalf of all the respondents. Now, therefore, a plea by
the respondents in the review application cannot be taken that
the office of Applicant No. 2 and 3 were not able to connect
the personal file of Shri Virendra Pal Singh. The counter
reply was filed as back as on 15.4.1998. How the respondents
could think of connecting the file of Shri Virendra Pal Singh
only after the orders in O.A. 161/97 were passed. The respon-
dents did not disclosed the facts earlier for unknown reasons
as the plea of not having the knowledge of orders passed in
Virendra Pal Singh had been reversed after due diligence is
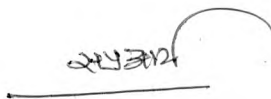not acceptable. The judgment and order dated 25.8.2004 is

based on the documents filed by respondents and which were available on the records of the O.A. ~~Relying on~~ We rely on (1991) 16- Administrative Tribunal Cases-682 CAT Madras Bench wherein it was held that the rehearing the matter for deducting an error in the earlier decision and then correcting the same do not fall within the ambit of the review jurisdiction. Review jurisdiction cannot be used as appellate jurisdiction. We ~~have~~ are fortified in our opinion by the apex court in **Union of India versus Tarit Ranjan Das 2004 Supreme Court Cases (L&S) 160** wherein the following was held:-

> "The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review p petition as if it was hearing an original application. This aspect has also not been noticed by the High Court."

4.   Finding no need for hearing the opposite party and no mistake or any error apparent on the face of record, the review application is liable to be rejected. It is rejected.

(M.L. SAHNI)   (S.P. ARYA)

MEMBER(J)   MEMBER(A)

V.