

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 44/2005 in O.A.No.437/99 and 268/2000

This the ^{17th} day of August, 2005

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

O.A.No. 437/99

Wajul Qamar son of late Baqridi r/o G-5, P.W.D., Colony, 96, M.G. Road, Hazratganj, Lucnow now residing House No. 444/122 A/2 B c/o Ziaul Hasan ,Ali Colony, Barafkhana, Thakur Gnj, Lucknow

...Reviewist

By Advocate: Sri M.A. Siddiqui

Versus

Union of India and others. ...Respondents

O.A.No. 268/2000

.Wajul Qamar son of late Baqridi r/o G-5, P.W.D., Colony, 96, M.G. Road, Hazratganj, Lucnow now residing House No. 444/122 A/2 B c/o Ziaul Hasan ,Ali Colony, Barafkhana, Thakur Gnj, Lucknow

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ORDER (BY CIRCULATION)

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

The applicants by this O.A. seeks for Review of the judgment and order passed by the Tribunal in O.A. No. 437/1999 and 268/2000 on 22.3.2005 .

2. This review application has been field on 20.5.2005. Defects in the application were removed on 22.7.2005. Condonation of delay application filed on 22.7.005 shows that the applicant could not approach to the counsel before the date of filing this application due to his own sickness. The nature and duration of sickness has not been disclosed. The application is not supported by an affidavit.

3. The scope of review under section 22(3)(f) of the Administrative Tribunal Act, 1985 read with Order XLVII Rule (1) and (2) of the CPC lies in a narrow compass. The order dated 22.3.2005 has been perused . I do not find any error apparent on the face of record or discovery of any new and important material which even

after exercise of due diligence was not available with the review applicant . The commission of error in judicial pronouncement cannot be dealt with in a review application specially when the error pointed out is casual and not specific. The applicants wants to re-argue the case , which is not permissible .

4. In view of the Apex Court observation in *Union of India Vs. Tarit Ranjan Das* 2004 SCC (L&S) 160 "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 an disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope of review is rather limited and 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 petition as if it was hearing an original application. This aspect has also not been noticed by the High Court.", and also having regard to Section 17 of the CAT (Procedure) Rules, 1987 prescribing the time limit for filing the R.A. R.A. is rejected in circulation.

24/3/17
(S.P. Arya)

Member (A)

OR.
Copy of order
forwarded @ 18/8/05
18/8/05