

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 46/2005 in O.A.No.158/98

This the th day of 25th, August, 2005

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

HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)

Subodh Kumar aged about 23 years son of Sri Ram Bhusan Shukla R/o Village & P.O. Nabinagar (Laharpur) District- Sitapur.

...Reviewist

By Advocate: Sri R.S. Gupta

Versus

Union of India and others. ..Respondents

ORDER (BY CIRCULATION)

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

This Review Application is directed against the order passed by the Tribunal in O.A. No. 158/1998 on 27.5.2005.

2. The review has been filed on 29.7.2005. No delay condonation has been sought for. We have perused the register which shows that the copy of the order was received on 1.6.2005. A manipulation thereafter was made as 30.6.2005 with a view to bring this review application within time.

3. The applicant seeks to recall the order dated 27.5.2005 in view of the judgment and order dated 4.1.2001 in *Murari Lal Vs. Union of India and others* in O.A. No. 512/2000.

4. We have perused the order as well as O.A. No. 158/98. The applicant is now raising a plea which was not taken in the Original Application. This by no stretch of imagination amount to an apparent error. A plea which was not taken in the Original Application, could neither be adjudicated in the O.A. nor this can be raised now. This is no stage to raise a new plea. The scope of review lies in a narrow compass. If the applicant is not satisfied by the order passed by this Tribunal, the remedy lies elsewhere. The Apex Court in *Union of India Vs. Tarit Ranjan Das 2004 SCC (L&S) 160* observed as "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 earlier order and the strong as well as sound reasons contained therein reby the original application was rejected. The scope of review is rather

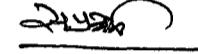
limited and is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court." We are of the considered opinion that the re-argument is not permissible in such applications.

3. Having regard to the above, R.A. is rejected in circulation.


(K.B.S. Rajan)

Member (J)

HLS/-,


(S.P. Arya)

Member (A)

CR
Copy order
prepared on 29/08/05
29/08/05