

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

LUCKNOW THIS THE 1st DAY OF ^{September} ~~AUGUST~~ 2005.

Review Application No.51/2005 in O.A.154/2003

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

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

Sudhir Sharma aged about 49, years, son of late Shri R.K. Sharma, R/o 432/16, Kalakankar Housing Scheme, New Hyderabad, Lucknow.

Applicant

By Advocate: Shri Neerav Chitravanshi

Versus .

1. Union of India, through Secretary, Ministry of Information and Broadcasting, New Delhi.
2. Prasar Bharti, Mandi House New Delhi through its Chairman/Chief Executive Officer.
3. Director General, Prasar Bharti, Mandi House, New Delhi.
4. Deputy Director (Administration), Prasar Bharti, Mandi House, New Delhi
5. Director, Doordarshan Kendra, 24, Ashok Marg, Lucknow.

Respondents.

ORDER

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

This Review Application is directed against the order dated 13 July 2005 passed in O.A. No. 154/2003 on the grounds that certain facts have not been appreciated and certain legal provisions and Principles overlooked. It has also been stated that there is no finding with regards to arrears of payment of salary as the transfer order under challenge was stayed by this Tribunal. The mention of Dy. Director General (Administration) issuing the order after getting the approval of Director General, Doordarshan is also a factual error against the records.

2. By way of this Review, it appears that review applicant is agitating the entire issue and seeks re-examination which is not permissible under Section 22 (3) (f) of AT Act, 1985 read with Rules 1 and 2 of Order XLVII of the CPC. Though it is stated that there are errors apparent on the face of the records on facts and

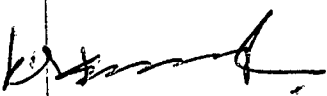
law but at the same time, it has either not been specified or not been substantiated.

3. We have gone through the records on the O.A., the judgment and order sought to be reviewed and records of CCP 27/2004. It is settled law that re-argument, re-assessment of the evidence and rewriting of judgment is not permissible under Review. Tribunal is not a forum to act as an Appellate Authority in respect of its Original order and re-hearing of the matter to facilitate the change of the opinion on merits as held in **Union of India Vs. Tarit Ranjan Das 2004 SCC (L&S) 160.**

4. Para 13 of the judgment makes a mention of DDG (Admn.) issuing the order after getting the approval of D.G. Doordarshan. This is in respect of O.A. No. 155/2003 and not in respect of OP.A. No. 154/2003. There is no mistake in the order. The plea taken in the review apparently is a result of casual reading of the judgment. In view of the above, there was no misconception of facts or law on the part of the Tribunal.

5. In compliance of the orders dated 26.9.2003 passed by this Tribunal in O.A. No.154/2003, the relieving order dated 25.3.2003 was recalled and the applicant was directed to report for duty at DDK, Lucknow immediately by order dated 14.1.2005. In view of this order, the applicant would be entitled to pay and allowances after reporting to duty and also to the regularization of the period between 25.3.2003 and 14.1.2005 and admissible pay and allowances for that period as well. The respondents are directed to take necessary steps for the payment of pay and allowances admissible under Rules as observed above.

6. With the above directions, without interfering with the judgment sought to be reviewed, the Review Application is disposed of in circulation.


K.B.S. RAJAN
MEMBER (J)


(S.P. ARYA)
MEMBER (A)

AR
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25/9/05