

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 57/2005

In

OA No.288/2005

This the 16th day of September, 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

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

Smt. Smriti Saxena, aged about 44 years, w/o Shri Ajay Kumar Saxena, R/o B-1390, Indira Nagar, Lucknow (presently posted as Primary Teacher in Kendriya Vidyalaya, Bakshi ka Talab, District Lucknow.

Review Applicant

Versus

Kendriya Vidyalaya Sangathan, New Delhi through its Commissioner and others.

..Respondents

ORDER (BY CIRCULATION)

BY HON'BLE SHRI SHANKER RAJU MEMBER (J)

This Review Application is directed against the order passed by the Tribunal in OA No.288/2005 on 8.9.2005.

2. We have gone through the review application and judgment which is sought to be reviewed. 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 review can be made only when there is an error apparent on the face of record or discovery of new and important material, which even after exercise of due diligence, was not available with the review applicant. If the review applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere.

4. The Apex Court in ***Union of India Vs. Tarit Ranjan Das, 2004 SCC (L&S) 160***, observed as under:-

"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 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."

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

23/9/05
(S.P. Arya)

Member (A)

S. Raju
(Shanker Raju)

Member (J)

'San.'

GR
by J. was
for on 21/9/05
21/9/05