

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No. 67 of 2005 in O.A. No. 160 of 2000

November  
This the 11<sup>th</sup> day of October, 2005

HON'BLE SHRI SHANKAR RAJU, MEMBER (J)

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

Narendra Pal Singh aged about 46 years son of Sri Dafedar Singh resident of Mohalla-10 Unchathok Pergana Banger, Tehsil and District Hardoi (presently posted as Sub Post Master, Office of Katechary Sub Post Office- Hardoi)

Applicant

By Advocate: Sri D.C. Mishra

Versus

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Post Master General, Bareilly Region, Bareilly, Indian Postal Department.
3. Director, Postal Services, Bareilly Region, Bareilly.
4. Superintendent, Post Offices, Hardoi Division, Hardoi.

... Respondents

ORDER ( By Circulation)

By Hon'ble Shri S.P. Arya, Member (A)

This Review is directed against the judgment and order dated 16.5.2005 in O.A. No. 160/2000 dismissing the O.A.

2. The review is sought for not appreciating the facts and failing to appreciate certain facts. It appears that applicant wants to re-argue the case. Re-assessment and re-writing of judgment is not permissible under the Review as the scope of review is very limited. On perusal of our judgment, we 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 indulgence was not available with the reviewist. If the review applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere. Relying on 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." we are of the considered opinion that the re-argument is not permissible.

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

2028  
(S.P. Arya)

Member (A)

HLS/-,

S. Raju  
(SHANKAR RAJU)

Member (J)

OR  
Copy of order  
dated on 14/11/05  
14/11/05