

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No.20/2005 in Original Application No.10/1997

This the 25<sup>th</sup> day of April, 2005

HON'BLE SHRI S.P. ARYA, MEMBER (A)  
HON'BLE SHRI M.L. SAHNI, MEMBER (J)

Bhim Sen adult son of Shri Mahadev Prasad resident of C-46/1, RDSO, Manak Nagar, Lucknow.

...Reviewist

By Advocate: In person

Versus

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. Director General, RDSO, Ministry of Railways, Manak Nagar, Lucknow
3. Shri Putani Lal Adult son of Shri Hiroo Das, working as Assistant Inspection Engineer/Signal , C-8/3, RDSO Colony, Manak Naga, Lucknow.

..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. 10/97 on 9.3.2005 on the grounds that apparent error on the face of record has crept in para 8 of the judgment with ~~regards~~ to requirement of Rules for non-fortuitous service in the grade in the RDSO.

As the staff notice and Rules of 1983 do specifically provide for requirement of non-fortuitous service, it can therefore, not be said an error at all.

2. The scope of review under section 22 (3)(f) of the Administrative Tribunal Act, 1985 read with order XLVII Rules (1) and (2) lies in a narrow compass. We have perused our order dated 9.3.2005 and do not find any error apparent on the face of record or discovery of any new and important material , was not available with the review applicants. If the review applicants <sup>is</sup> not satisfied with the order passed by the Tribunal remedy lies elsewhere. By way of this review , applicant seeks to re-

argue the matter, which is not permissible. The Apex Court in *Union of India Vs. Tarit Ranjan Das 2004 SCC (L&S) 160* observed as under:-

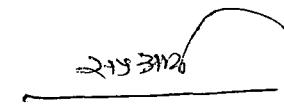
"13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation an disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application 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."

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



(M.L. Sahni)

Member (J)

  
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(S.P. Arya)

Member (A)

HLS/-

O.R.  
~~Copy of order~~  
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