

Central Administrative Tribunal, Lucknow Bench, Lucknow

Review Application No.24/2005 in Original Application No.206/1997

This the 29th day of June, 2005

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

Avadhesh Kumar Srivastava aged about 52 years son of late Shri Ram Sahai Lai Srivastava resident of LD-140 A, Alambagh, Lucknow (Presently working as Section Engineer (DSL-Electrical), Diesel Shop, Northern Railway, Charbgh, Lucknow.

...Reviewist

By Advocate: Sri R.C. Singh

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. 206/1997 on 12.4.2005 .


2. Certain typographical errors have been pointed out in the said order as set out in para 11 of the Review Application.

3. Annexure -2 to the O.A. clearly shows that the date of the order was 19.5.76. Annexure 6 shows that the promotion was made on 20.8.1979 though below that 12.5.79 is also written. On perusal of the judgment and records of the file, it is clear that only typographical error is in line 8 of page 2 of the judgment where respondent No. 4 is typed instead of respondent No.5 ; in line 2nd from below para 5, 7.8.96 has been typed instead of 7.8.86 and in line 9 of paragraph 6 , 13.8.88 has been typed instead of 13.8.98. These corrections be made.

4. 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} ~~Rule~~ 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** observed as "The Tribunal passed the

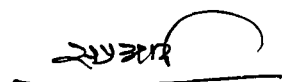
impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation an disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope of 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 dismissed in circulation. Corrected copy as ordered above^{in para 3} would be made available to the parties.


(M.L. Sahni)

Member (J)

HLS/-,


(S.P. Arya)

Member (A)

OR.
Copy of order
prepared on 27/05
27/2/05

OR.
Copy of corrected
order of 29.6.05, prepared
on 22.7.05
22/9/05