

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Review Application No.19/2009 in**

**Original Application No. 451/2008**

This the     th     day of May , 2009

**Hon'ble Mr. M. Kanthaiah, Member (J)**

**Hon'ble Dr. A. K. Mishra, Member (A)**

State of U.P. through the Principal Secretary, Govt. of Uttar Pradesh,  
Department of Appointment, Secretariat.

Applicant.

**By Advocate:** Sri A.K.Chaturvedi

In re

Original Application No. 451 of 2008

Bankatesh Bahadur singh

Applicant

**Versus**

Union of India and another

Respondents.

**ORDER (Under circulation)**

**By Hon'ble Dr. A.K. Mishra, Member (A)**

This is an application filed against the judgment and order dated 16.3.2009 in O.A.No. 451/2008. The main ground of this application is that the arguments advanced by the learned counsel for the applicant (respondent No. 2) in the O.A. 451/2008 have not been correctly appreciated by this Tribunal. That the order dated 25.11.2008 of the respondent No. 2, which constitutes a separate cause of action, could not have been challenged in the O.A. in view of availability of alternative remedy to the applicant under statutory rules.

2. The applicant earlier had challenged the suspension order dated 13.5.2007 in O.A. No. 177/2008 before this Tribunal and he was directed to exhaust the alternative remedy available under the Discipline and Appeal rules. Accordingly, he filed an appeal before the Central Govt. under Rule 16 of the All India Service (D&A) Rules against that order. The appeal had not been disposed of till filing of the O.A. . But he has not taken any steps in respect of the suspension order dated 25.11.2008. Therefore, it is urged that our order should not apply to the second

cause of action arising out of later suspension order dated 25.11.2008. The correct position has been clarified in our judgment and order dated 19.5.2009 in O.A. No. 138/2009.

3. In view of such clarification, there is no need for review of the impugned order. The settled law is that the Tribunal cannot sit in appeal on its own judgment even if there is a ground of misappreciation of facts or law on the subject.

4. In the circumstances, this review application is rejected.

*h/hjr 19/05/09*  
(Dr. A.K. Mishra)  
Member (A)

*(M. Kanthaiah)*  
Member (J)

HLS/-

*at court order  
dated 19.5.09  
Refund  
21.5.09*