

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

**Review Application No.7/2011
in
Original Application No.64/2010
This the 15th day of May, 2012**

Hon'ble Shri Justice Alok Kumar Singh, Member (J)

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.
3. The Senior Divisional Operating Manager, Northern Railway, Lucknow.
4. The Senior Divisional Commercial Manager, Northern Railway, Lucknow.
5. The Senior Divisional Personnel Manager, Northern Railway, Lucknow.

Applicants.

By Advocate: Sri Praveen Kumar holding brief for Sri M.K. Singh.

Versus.

Jagram, aged about 67 years, S/1 Late Shri Bahau, resident of -PO-Katehri, District-Ambedkar Nagar,

Respondent.

By Advocate: Sri Raj Singh.

(Reserved on 11.05.2012.)

ORDER

By Hon'ble Sri Justice Alok Kumar Singh, Member (J)

This Review Application has been filed under Rule 17(3) of the Central Administrative Tribunal (Procedure) Rules, 1987 read with Section 22 (3) (f) of the AT Act,

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1985 against the judgment/order dated 2.9.2011 passed in O.A.No.64/2011.

2. I have heard the learned counsel for the parties and perused the material on record.

3. A review can be made only when there is an error apparent on the face of record or on discovery of any new and important material which even after exercise of due diligence was not available with the applicant. In the present case no such error apparent on the face of record could be shown. Similarly, there is no contention that any discovery of any new and important material had been made which was not available with the applicant earlier even after due exercise of diligence.

4. I have also gone through the judgment/order dated 2.9.2011. I also do not find any error apparent on the face of record.

5. Even if a judgment of a Court is found to be erroneous, it is not within the review jurisdiction to rectify that decision. Erroneous decision and a decision which can be characterized as vitiated by "error apparent" has been distinguished by Hon'ble Apex Court in the famous case of ***M/s Thungabhadra Industries Ltd. Vs. Govt. of Andhra Pradesh reported in AIR 1964 Supreme Court, 1372***. Similarly, a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected. It lies only for patent error. As already said no such patent error could be found in the decision. From the perusal of the review petition it appears that the reviewist wants this Tribunal to reexamine the matter on certain points, which is not permissible under the review jurisdiction as already said. A review cannot be sought merely for a fresh hearing or

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arguments or correction of erroneous view taken earlier. If the applicant is not satisfied with the orders, remedy lies elsewhere. It is not permissible for this Tribunal to act as an appellate authority of its own judgment and decision.

6. Finally therefore, this review application is dismissed.


(Justice Alok Kumar Singh) 15.5.11
Member (J)

Amit/-