

IN THE CENTRAL ADMINISTRATION TRIBUNAL

GULESTAN BLDG.No.6,PRESCOT RD, 4TH FLR

MUMBAI - 400 001.

REVIEW PETITION NO.23/97.in

ORIGINAL APPLICATION NO.1118/96.

DATED THIS 12<sup>th</sup> DAY OF MARCH, 1997.

Coram : Hon'ble Shri B.S.Hegde, Member (J).

Shri Shaikh Mastan,  
Junior Steno,  
Medical Superintendent,  
Central Railway Hospital,  
Kurduwadi, Dist:Solapur.

... Applicant.

Vs.

1. The Divisional Railway Manager,  
(Personnel),  
Central Railway,  
Solapur Division, Solapur.

2. The Secretary,  
Railway Ministry,  
Rail Bhavan, New Delhi.  
(Union of India).

3. Shri C.C.Bade,  
C/o.Medical Superintendent,  
Central Railway Hospital,  
Kurduwadi, Solapur.

... Respondents.

TRIBUNAL'S ORDER BY CIRCULATION

The applicant has filed Review Petition No.23/67 in OA-1118/96 seeking review of the judgement dated 19/12/96. Review application is being disposed of by circulation under rule 17(3) of the CAT Procedure Rules 1987.


As per rules of the review application, I do not find that the applicant has made out any new and important facts which has not been brought to my notice at the time of disposal of the OA. It may be recalled that the OA was disposed of with the contention made by the parties that in his place, one Mr.Bade had joined his duty at Kurduwadi on 25/10/96 pursuant to the order passed by the respondents. The applicant was on leave and he submitted a private Doctor's certificate as sick from 2/11/96 till today.

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He has filed the OA on 6/11/96 and obtained ex-parte Interim Relief on 8/11/96. Shri Bade had joined duty at Kurduwadi on 25/10/96. Since Shri Bade has joined at Kurduwadi prior to grant of ex-parte interim relief, the ex-parte interim relief has become infructuous. Accordingly his transfer order could not be cancelled.

The scope of review petition is limited in view of order 47 of CPC. Review Application cannot be utilised for rearguing the case traversing the same ground again., as in Sow. Chandra Kanta v/s. Sheik Habib, reported at [ AIR 1975 SC 1500 ]. The Apex Court has held that once an order has been passed by this Court, review thereof must be subject to the rules and cannot be lightly entertained. A review of a judgement is a <sup>serious</sup> step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. Review application is maintainable only if there is an error apparent on the face of the record is made out. It may also be maintainable on any new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was made, which would be the province of a Court of Appeal, etc.

As stated earlier, on perusal of the review application I do not find any new facts have been brought out nor has any error occurred in the judgement. Review Application is dismissed by circulation.

  
(B. S. HEGDE)  
MEMBER(J)

abp.