

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: 31/97 IN O.A. NO.: 512/96.

Dated this Friday, the 16th day of May, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

Kadu Kashiram Ahire ... Applicant

VERSUS

Union Of India & Another ... Respondents.

Tribunal's order by circulation :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

The applicant has filed this review application seeking review of the judgement dated 24.01.1997. The Tribunal after considering the plea of the applicant, who appeared in person, did not thought fit to issue notice to the respondents and found that the action taken by the respondents is just and proper and in accordance with the rules. Accordingly, the O.A. was dismissed at the admission stage itself without issuing notice to the opposite party. In the review petition the applicant's only contention is that the recovery of Rs. 6,820/- by the respondents towards the value of book which was lost by the petitioner while in service/on duty, is not justified. He states that while on duty the book was lost and he made a complaint to the Railway Police at Dadar Railway Station when he could not find the same back. Therefore, the respondents recovery of aforesaid amount from the final settlement dues of the petitioner on 31.08.1992 is found to be not justified.

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Nowhere it is disputed that the cost recovered by the respondents is ~~in~~ any way excess or not permissible under the rules. The applicant is well aware of the fact that the power of review can be exercised on the discovery of new and important matter of evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal, etc. Since the applicant has not disputed the fact of the cost of book recovered by the respondents, in my view, the review petition filed by the applicant is not maintainable and the same is liable to be dismissed. Accordingly, the review petition is dismissed by circulation as devoid of merits.

  
(B. S. HEGDE)  
MEMBER (J).

OS\*

*Att. 16/5/97*  
Order/Judgement despatched  
to Applicant/Respondent(s)  
on 29/5/97

*BS*  
*29/5/97*