

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO. 38 & 39 / 98,  
AND  
MISCELLANEOUS PETITION NO.334 of 98  
AND 335/98.  
IN  
ORIGINAL APPLICATION NO. 596 / 96.

Friday, this the 10th day of July, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,  
Hon'ble Shri D.S.Baweja, Member(A).

S.K.Tigunayat. ... Applicant.

(By Advocate Shri Suresh Kumar)

V/s.

Union of India & Anr. ... Respondents.

(By Advocate Shri V.S.Masurkar)

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

The Review Petition No.38/98 is filed by the applicant and Review Petition No.39/98 is filed by the Respondents. The respondents have filed M.P.334/98 for condonation of delay in filing the Review Petition No.39/98. M.P. 335/98 is a petition filed by the applicant for some directions. We have heard the learned counsel appearing for both sides.

2. In both the Review Petitions filed by the applicant and respondents, they are requesting the Court to review the Judgment passed by this Tribunal dt.10.3.98. After going through the averments in the two review petitions and after hearing the learned counsel in support of their <sup>filed</sup> say, We find that the grounds urged are more in the nature of an appeal against the Judgment dt. 10.3.1998. The scope of review under

 ...2.

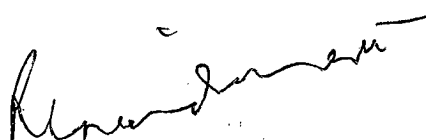
Order 47 Rule 1 of C.P.C. is very very limited. The review is permissible if there is any apparent error on record or if there is any discovery of new facts.

~~discovery~~ In the present case there is no allegation of discovery of new facts or material. But in the Review Petitions some grounds are given to show that the findings giving in the Judgment dt. 10.3.1998 are not correct and are required to be corrected. In our view, these review petitions are not strictly in terms of Order 47 Rule 1 of CPC and they are more in the nature of an appeal. If the respective parties are aggrieved by the Judgment of this Tribunal, their remedy is elsewhere and certainly not by way of a Review Petition, with this <sup>observation</sup> the Review Petition is rejected. M.P. No.334/98 filed by the Respondents for condonation of delay in filing is also liable to be rejected.

3. It is submitted at the bar that the respondents have moved the Railway Board for instructions and the matter will require some time for implementing the directions given in the order dt. 10.3.1998. After hearing both sides we feel that the period of three months from to day would be just and reasonable.

4. In the result, Review Petitions No.38 & 39/98 and M.P.334/98 are rejected. However, M.P. 335/98 is hereby allowed by granting three months time to the respondents to comply with the directions of the order of the Tribunal dt. 10.3.1998. No costs.

  
(D.S. BAWEJA)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE-CHAIRMAN.