

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P.NO. 33/99 in
Original Application No: 1041/97

12. 10. 99
Date of Decision:

U.A.Khan

Applicant.

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

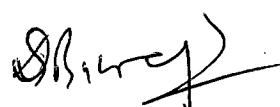
Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. D.S. Baweja, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library


(D.S. BAWEJA)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

R.P.No. 33/99 in OA.NO.1041/97

Dated this the 12th day of October 1999.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

U.A.Khan,
Near Hindustani Masjid,
Shivaji Nagar,
Bhusaval.

... Applicant

V/S.

Union of India through
The General Manager,
Central Railway,
Mumbai and Ors.

... Respondents

ORDER

{Per : Shri D.S.Baweja, Member (A)}

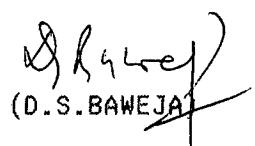
This Review Application has been filed by the applicant seeking review of order dated 1.4.1999 in OA.No.1041/97.

2. The applicant has filed the Review Application on 27.8.1999 against the order dated 1.4.1999. The copy of the order was issued on 16.4.1999 and was received by the applicant on 21.4.1999 and therefore the Review Application has been filed after more than four months. As per the rules, the Review Application is required to be filed within a period of one month from the date of order. The applicant has filed a M.P. for condonation of delay in filing the Review Application. In view of the reasons advanced for delay, the delay in filing the Review Application is condoned.

(V)

3. On merits, the grounds advanced in the review application urging the review of the order dated 1.4.1999 have been carefully gone into. The power of review can be exercised when there is a discovery of new and important matter or evidence which after due diligence could not come within the knowledge of the person seeking review or could not be produced at the time of passing of the order. This power could also be exercised when there is some mistake or error apparent on the fact of the record. However, a review cannot be exercised on the ground that the decision is erroneous on merits. Review application cannot be an appeal in disguise. In the present review application, I find that none of the parameters under which the power of review can be exercised are obtainable. The applicant has only pleaded what has been earlier brought out in the OA. No error apparent on record has been brought out. No new fact has been brought out. The entire pleadings of the applicant are to bring out that the order is erroneous on merits and requires a review to reconsider the matter on merits again and record fresh findings. The review application is more of an appeal in disguise.

4. In the light of the above, I do not find any merit in the Review Application and the same is dismissed accordingly.


(D.S. BAWEJA)
MEMBER (A)