

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

R.P.NO. 29/99 in OA.NO. 591/98

Dated this the 25th day of August 1999.

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

Manohar Burde
R/o. Qtr.No.E/2,
Ordnance Factory Estate,
Ambernath. Dist. Thane.

... Applicant

V/S.

Union of India & Ors.

... Respondents

Tribunal's Order

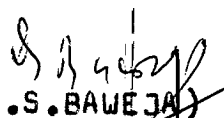
(Per: Shri D.S.Baweja, Member (A))

This Review Application has been filed by the applicant seeking review of the order dated 17.6.1999 in OA.NO. 591/98.

2. As held by Hon'ble Supreme Court in catena of judgements, the power of review may be exercised on discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of person seeking review or could not be produced by him at the time when the order was passed. It may be exercised when some mistake or error apparent on the fact of the record is found. But the power of review cannot be exercised on the ground that the decision was erroneous on merits. A review by no means can be an appeal in disguise.

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3. In the light of the above para-meters laid down by Hon'ble Supreme Court for exercising power of review, the grounds advanced in the review application seeking a review of the order dated 17.6.1999 have been carefully considered. The applicant has sought review of the order mainly on the contention that the provisions of the various O.Ms. cited by the applicant, viz. 8.4.1976, 29.8.1984 and 12.9.1985 issued by Department of Personnel & A.R., Deptt. of Pension & Pensioners' Welfare and Ministry of Finance have not been properly appreciated in the order and the same requires to be ^{re}considered. The main thrust of the averments made is that the interpretation made by the applicant of the various O.Ms. should be accepted and based on the same, the applicant deserves to be granted the relief prayed for. The provisions of these O.Ms. have been already considered in the order. The applicant has ^{not} brought out ^{any} new facts. The applicant has ^{also} not pointed out any error apparent on the fact of the record. In fact, the present review application is more of an appeal bringing out in the review application that the order is erroneous on merits. Keeping in view the para-meters laid down by the Hon'ble Supreme Court, such a review application which seeks matter to be reconsidered on merits is not maintainable.

4. In the result of the above, there is no merit in the review application and the same is dismissed accordingly.


(D.S. BAWEJA)
MEMBER (A)