

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH  
J A I P U R .

(3)

R.P.NO.33/96

Date of order: 25-10-96

in

O.A.NO.19/1996

Liyakat Ali

: Petitioner-applicant

vs.

Union of India & another

: Respondents

O R D E R

PER HON'BLE SHRI RATAN PRAKASH; MEMBER (JUDICIAL)

Petitioner Shri Liyakat Ali has filed this review petition under Rule 17 of the C.A.T. (Procedure) Rules, 1987 against the order dated 10.5.1996 passed in O.A.No.19/1996 whereby the O.A. has been disposed by holding as under:-

"1. In view of above, the answer to the issue raised in this CA has to be in the negative and the impugned order dated 19.12.1995 (Annex.A-1) stands quashed. However, in the peculiar facts and circumstances of this case since the period of one year has come to an end on 30.1.1996, the respondents are now free to take action in pursuance of Rule 224 (ii) of the IREM vol.I within a period of one month from the date of receipt of a copy of this order."

2. This petition has been mainly filed by the review petitioner on the ground that the Tribunal has erred in holding that the refusal to go on promotion was though given on 3.12.1995 but has been held to be effective wrongly from 30.1.1995 i.e. the date of issuance of the promotion order. The other ground on which the petition has been presented is that Rule 224 of the IREM has not been properly appreciated. It has, therefore, been urged that the order under review dated 10.5.1996 be recalled and reviewed and it be held that the bar of transfer of the applicant be

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declared to remain effective till 2.12.1996. In other words what the review petitioner is claiming here is that this Tribunal should again re-appreciate the facts and the law in the matter and pass appropriate order.

3. I have given anxious thought to the grounds raised by the petitioner in the petition and have carefully gone through the order dated 10.5.1996 under review as also the documents and pleadings of the parties. The ground taken by the petitioner that he has specifically averred in para 4(iii) of his application that the period of debarcation commences from 3.12.1995 to 2.12.1996 and that <sup>1/2</sup> was admitted by the respondents in their reply in para 4(iii); is not borne out by the record. In para 4(iii) of the application at page 5 of the OA the applicant has asserted that:

"because of his ailment and domestic conditions, gave refusal to promotion vide his letter dated 3.12.1995 which was received in the office of Chief Ticket Inspector on 4.12.1995. The above refusal of the promotion dated 3.12.95 is annexed here and marked as ANNEXURE A/3."

In the reply, respondents have simply admitted the contents of para 4(iii) as stated by the applicant. There are no words in the pleadings of the applicant that he made a specific averment in para 4(iii) that the period of debarcation commences from 3.12.95 to 2.12.1996."

4. Be that as it may, it is settled law that no ground which may be taken up by way of appeal can be raised in a review petition. Further more, it has been held by Hon'ble the Supreme Court in the case Smt. Meera Bhanja vs. Nirmal Kumari Choudhary, 1995 S.C. page 455 that re-appreciation of facts by a reviewing court amounts to over-stepping its jurisdiction conferred under Section 114 read with Order XLVII Rule 1 of the C.P.C. The power to review its own order has been conferred on the Tribunal under Rule 17 of the C.A.T. (Procedure) Rules, 1987 and is further circumscribed by Section 114 read with Order XLVII Rule 1 of the CPC. If an effort is made to re-appreciate the facts again, it would amount to over-stepping the jurisdiction conferred upon it to review its own order. In the order under review, the implications of the impugned order of transfer has been exhaustively dealt with. This Tribunal is thus debarred to re-appreciate the facts as urged on behalf of the petitioner. Similarly, the relevant provisions of Para 224 of the I.R.E.M. has also been discussed and analysed exhaustively and on the basis of the conclusion arrived at the O.A. has been disposed of. No effort, therefore, can now be made again to re-appreciate the impact of the aforesaid provisions of Para 224 of the IREM which is beyond the jurisdiction of this Tribunal.

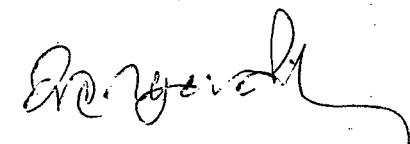
5. Further the petitioner has miserably failed to exhibit that there has been any error apparent on the face of the record or that any of the other two

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grounds on which a review is permissible under Order XLVII Rule 1 of the CPC is made out.

6. For all the aforesaid reasons and in view of settled position of law laid down by Hon'ble the Supreme Court in the case of Meera Shanja (supra), this review petition is found to be without any substance and is hereby dismissed. By Circulation.

  
( Ratan Prakash )  
MEMBER (J)