

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Review Application No.200/00001/2017

(in OA 155/1999)

Jabalpur, this Thursday, the 21st day of December, 2017

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Indresh Kumar Pandey, S/o Late Shri B.L. Pandey, aged about 55 years, presently posted as Chief Engineer, Ministry of Road Transport & Highways, Transport Bhawan, New Delhi – 110001.

-Applicant

(By Advocate – Shri N.K. Salunke)

V c r s u s

1. The Union of India through the Secretary, Ministry of Road Transport & Highways Transport Bhawan, New Delhi – 110001.

2. V.S. Prasad, presently posted as Chief Engineer (Roads Wing) through the Secretary, Ministry of Road Transport & Highways, Transport Bhawan, New Delhi – 110001.

3. Union Public Service Commission through its Chairman, Dhoulpur House, Shahjahan Road, New Delhi.

- Respondents

(By Advocate – None)

(Date of reserving order : 19.12.2017)

O R D E R

Bv Navin Tandon, AM.

The instant Review Application has been filed on 02.01.2017 against the orders dated 14.05.2004 in OA No.155/1999.

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2. MA No.200/00002/2017 has also been filed seeking condonation of delay in filing Review Application.

3. On 26.07.2009, the Tribunal had observed that the Review Petition beyond 30 days as prescribed in Rule 17(1) of the Central Administrative Tribunal (Procedure) Rules, 1987, is not entertainable. The Full Bench judgment of Hon'ble High Court of Andhra Pradesh in the matters of **G. Narsimha Rao v. Regional Joint Director School Education Warangal and others**, 2005 (4) SLR 720, was cited.

4. Learned counsel for the applicant sought time to assist the Court on the maintainability of application for condonation of delay.

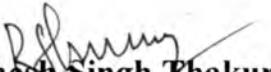
5. During the hearing on 19.12.2017, learned counsel for the applicant produced the order dated 27.11.2014 of Principal Bench of the Tribunal in MA No.3594/14 (arising out of RA No.216/14).

The operative para is reproduced below:

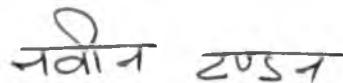
*"In view of the decision of the Hon'ble Supreme Court in **K. Ajit Babu vs. Union of India and others**, (1997) 6 SCC 473 and the decision of the Full Bench of the Hon'ble High Court of Andhra Pradesh in **G.Narasimha Rao vs. Regional Director of School Education & others**, 2005 (4) SLR 720, which was followed by the Allahabad Bench of the Tribunal in **Union of India & others***

vs. **Phool Chandra & others** (RA No.19 of 2011), MA No.3594 of 2014, which is an application for condonation of delay, deserves to be an is accordingly rejected. Consequently, the Review Application also deserves to be rejected as being barred by limitation. Moreover, the review can be made only when there is an error apparent on the face of record or on discovery of any new and important material which even after due diligence was not available. In the present case, no such error could be shown. We also do not find either of the things. There is no scope for entering again into merits of the case. The review cannot be sought merely for a fresh hearing or arguments or correction of erroneous view, if any, taken earlier. If the review applicant is not satisfied with the order passed by this Tribunal, remedy lies elsewhere. The scope of review is very limited. It is not permissible for the Tribunal to act as an appellate court. Therefore, the Review Application is dismissed at the stage of circulation."

6. We find that the instant case is fully covered by the orders passed by Principal Bench of the Tribunal detailed in para 5 above.
7. Therefore, the Review Application is dismissed being barred by limitation.


(Ramesh Singh Thakur)
Judicial Member

am/-


(Navin Tandon)
Administrative Member