

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

....

Review Application No. 39/2003
in
original Application No. 55/1999

Jabalpur, this the 24th day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Nav Ratan Upadhyay

...Review applicant

(By Advocate: Shri S. Nagu)

-versus-

Union of India & Ors.

...Respondents

(By Advocate : Shri S.P. Sinha)

O R D E R

By Madan Mohan, Member (Judicial) :-

This review application has been filed to review the order passed by the Tribunal on 10/09/2003 in O.A. No. 55/1999 which was partly allowed.

2. Heard the learned counsel for both the parties.
3. Learned counsel for the applicant argued that the applicant after being in much efforts could not obtain the copy of the register which mentions that on 6.12.1994 between stations Lunirichha (LNR) and Thuria (THUR) maintenance work was done and against the column 'Movement of equipment free/sluggish', the comments "heavy rubbing" is mentioned which is based upon the applicant's report dated 6.12.1994, and in the very next column on 7.12.1994 the Regulating Equipment Drum is shown to have been replaced and the signature of Supervisor Mr. R.P. Mourya are appended. This factum amply demonstrate and vindicates the stand of the applicant and in turn falsifies the stand of the respondents to the effect that there was no need to replace the RE drum. It is further argued



that if the respondents have produced the said register before the Tribunal for perusal then the finding recorded in para no. 5 of the order under review would not have been there that there was no need to replace the RF Drum and the O.A. would have been fully allowed.

4. In reply, the learned counsel for the respondents argued that the register relied upon by the applicant is kept in the office of maintenance supervisor under whom the applicant was working and it can be seen by any concerned employee after the work is done by him. Hence, the contention of the applicant that he cannot procure the same has no force. He further argued that the applicant could have even made an application for production of the said register. It is further argued that even otherwise the entry in the register does not justify the delay which over brused the power block 33 minutes. Hence, there is no ground for review.

5. After hearing the learned counsel for both the parties we find that the order under review was passed on the basis of pleading available on court file and production of any document after the order passed in the original Application cannot be taken cognizance of. Apart from the production of copy of register(RA/1), no clerical error or airthmetic mistake has been pointed out by the applicant. It is the settled legal position that the review proceedings are to be strictly confined to ambit and scope of order 47 Rule 1 of C.P.C. In exercise of the jurisdiction under order 47 Rule 1 it is not permissible for an erroneous decision to be re-heard and corrected. A review application has a limited purpose and cannot be allowed to be an appeal in disguise (See-Parsion Devi vs. Sumitri Devi & Others, JT 1997(8)SC480). The Hon'ble Supreme Court in the case of Union of India vs. Tarit Ranjan Das, reported in 2004 SCC(L&S) 160, has held that the Tribunals cannot act as an appellate authority to review the orignal order.

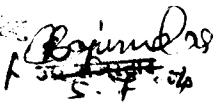


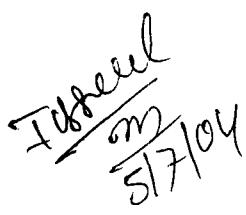
6. In the light of the observations made in para no. 5 we do not find any merit in this R.A., which is accordingly rejected.


(Madan Mohan)
Member (Judicial)


(M.P. Singh)
Vice Chairman

/na/

मृत्युक्ति से ओ/न्या..... जवलपुर, दि.....
प्रतिलिपि आलो गिरातः—
(1) स.त्रो.1. जवलपुर का नाम युद्धोत्तराश्वता, जवलपुर
(2) आकेश श्री/दीपेन्द्र द्वारा..... को काउंसल S. Nagra
(3) धर्मार्थ श्री/दीपेन्द्र द्वारा..... को काउंसल SP Singh
(4) निर्मल दीपेन्द्र द्वारा.....
सूचना पुर्व आवश्यक काउंसल को

Bapuji
5.7.04


T. S. Patel
M
5/7/04