

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

R..A.No. 07/2019 with M.A.No 198/2019 in
O.A.No.215/2017 and MA No. 283/2017
Ahmedabad, this the 11th day of July, 2019

Coram :

Hon'ble Ms. Archana Nigam, Administrative Member
Hon'ble Shri M.C.Verma, Judicial Member

Shri Vishnukumar Rameshwarlal Saini-Shri V.R.Saini, Son of Late Shri Rameshwarlal Saini Residing at - Plot No. 49, Ward No.3, Adarash Colony Bichun Road, Phulera, District : Jaipur (Rajasthan) -303 338.
.....Petitioner

[By Advocate : Mr. Ankit V. Mekvan]

VERSUS

1. Union of India through the General Manager, Western Railway, Churchgate Mumbai 400 020.
2. The Chairman Railway Recruitment Board, Western Railway, 1stFloor, Meter Gauge Railway Station Building Ahmedabad 380 002.
3. The Jr. Scientific Officer (Psychology) O/o. the Chief Safety Officer Central Railways, Chhatrapati Shivaji Terminus, Mumbai 400 001.
.....Respondents

ORDER

Per M.C.Verma, Member (J) :

1. This Review Application has been filed for reviewing of order dated 30.10.2018 passed in O.A.No. 215/2017. Petitioner of this R.A. is the applicant of the O.A. and he has filed the instant Review Application on 10.04.2019, with MA No.198/2019 for condoning delay of 105 days in filing R.A.
2. O.A.No. 215/2017 was preferred, alleging that applicant was wrongly declared unsuccessful in Aptitude Test No.5 for the post of Assistant Loco Pilot Exam. He pleaded therein that in T.Score (Aptitude Test No.5) of him shown by the result was 37, though it should be in between 47 to 57. The issue evolved in OA was, as to how the T Score was calculated and, therefore, record was called. Copy of letter dated 16.2.2015 produced by respondent of OA, disclosed about the change in norms and its attached document show as to how the change has to be applied. The said letter, dated 16.2.2015 was shown to the counsel for applicant as well to applicant, who was present in Court room and

after going through said letter, learned counsel made submission that applicant does not want to press the OA, wants to withdraw the same, with liberty to file fresh OA, if needed in changed circumstances and in view of the said submission, OA was disposed off as withdrawn. It is obvious that after passing of order in O.A.No. 215/2017, petitioner/applicant, has not moved any fresh O.A.

3. We have gone through the order under review as also the record of the case. Under Section 22(3)(f) of the Administrative Tribunal's Act, 1985, the Tribunal has power to review its own decisions. Rule 17(1) of the Central Administrative Tribunal (Procedure) Rules, 1987 stipulates that no application for review shall be entertained unless it is filed within 'thirty days' from the date of receipt of the order sought to be reviewed, whereas, the instant R.A. has been moved after lapse of the prescribed period.

4. 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 and there could not have been any error as the O.A. was withdrawn. There is no scope for entering again into merits of the case. The review cannot be sought merely for a fresh hearing or arguments if any, taken earlier. If the review applicant is not satisfied with the order passed by this Tribunal, remedy lies elsewhere and scope of review is very limited. It is not permissible for the Tribunal to act as an appellate court, therefore, this Review Application deserves dismissal. Accordingly, both the applications, viz, RA & MA are dismissed at the stage of Circulation.

(M.C.Verma)
Member (J)

(Archana Nigam)
Member (A)

