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Central Administrative Tribunal, Principal Bench

R.A. No. 75/2005 and MA Nos. 646 and 647 of 2005 In

C.C.P. No. 371 of 2004 In

OA No.1714/2003

New Delhi this the 10th day of August, 2005

**HON'BLE MR. V.K. MAJOTRA, VICE CHAIRMAN(A)
HON'BLE MR. JUSTICE M.A. KHAN, VICE CHAIRMAN(J)**

Shri Vijay Kumar Aggarwal, IAS

Age 50 years,

S/o Shri Prem Chand Aggarwal

R/o C-8-C, Pandav Nagar,

Delhi-110 092.

...Petitioner

-Versus-

1. Mr. Ajit Nimbalkar, IAS
Chief Secretary, Government of Maharashtra,
Mantralaya, Mumbai-400032.

2. Ms. Seema Vyas
Deputy Secretary,
Government of Maharashtra,
Mantralaya,
Mumbai-400032. ...Respondents

ORDER BY CIRCULATION

By Hon'ble Mr. Justice M.A. Khan, Vice Chairman (J)

The present RA has been filed by the applicant seeking review of our order dated 1.10.2004 passed in CCP No. 371 of 2004 In OA No.1714/2003.

2. We have perused the order dated 1.10.2004 and do not find any error apparent on the face of the record or discovery of new and important material which was available to the applicant even after exercise of the due diligence. If the review applicant is not satisfied with the order passed by the Tribunal, remedy lies elsewhere. The Apex Court in Union of India Vs. Tarit Ranjan Das, 2004 SCC (L&S) 160 observed as under:-

“13. The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review

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(3)

application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected. The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court".

3. Having regard to the above, RA is dismissed in circulation. Accordingly, MA Nos. 646 and 647 of 2005 are also dismissed.

M.A. Khan
(M.A. KHAN)

VICE CHAIRMAN (J)

V.K. Majotra
(V.K. MAJOTRA)
VICE CHAIRMAN (A)

10.8.05

Rakesh