

(2)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**R.A. No.80/2005  
in  
O.A.NO.2695/2003**

New Delhi, this the ...<sup>8</sup>/<sub>15</sub> April, 2005

**HON'BLE SHRI JUSTICE V.S. AGGARWAL CHAIRMAN  
HON'BLE SHRI S. A. SINGH, MEMBER (A)**

Dr. Dinesh Kumar Paliwal,  
Dy. Educational Adviser,  
Department of Elementary Education & Literacy,  
Ministry of Human Resource Development,  
Government of India, Shastri Bhawan,  
New Delhi – 110001.

.....Review applicant.  
**VERSUS**

1. Union of India through Secretary,  
Department of Secondary and Higher Education,  
Ministry of Human Resources Development,  
Government of India, Shastri Bhawan, New Delhi-110001
2. The Secretary  
Department of Elementary Education and Literacy,  
Ministry of Human Resources Development,  
Government of India,  
Shastri Bhawan, New Delhi-110001

.....Respondents.

**ORDER (IN CIRCULATION)**

**BY HON'BLE SHRI S.A. SINGH, MEMBER (A)**

The applicant has prayed for a review of judgment passed by this Tribunal on 08.12.2004 in OA 2695/2003 through this Review Application pleading that there is an error apparent on the face of the record and that the Tribunal did not rely on its own judgment in OA 490/96, when the facts and circumstances of the case remains same. Moreover, in accordance with the decision in the OA 490/96 the Tribunal in the OA 2695/2003 was required to judge the case in terms of the provisions under the mobility rule as stipulated in the DoPT's OM dated 29.8.1984 read with OM dated 7.2.1986, which inter alia



13

provides that benefit of counting of the past service is to be granted to personnel moving from state Government or its autonomous bodies to Central Government or its autonomous bodies and vice versa. The Review applicant, in addition, has reiterated grounds taken by him earlier, in the OA.

2. From the plain reading of the OA it is clear that the earlier order of the Tribunal in OA No.490/96 has been taken into consideration while passing the orders in the present OA as is apparent from para 2 of the order and also that the applicability of the mobility orders have been considered in the judgement. The applicant is trying to re-argue the case, which is not permitted.

3. Review is only permissible from the discovery of new and important matters or evidence, which after the exercise of due diligence was not within his knowledge or could not be produced by the applicant at the time when the order was passed or on account of some mistakes or error apparent on the face of the record or any other sufficient reason. The applicant has not been able to show any error that is apparent on the face of the record. He is only trying to re-argue the case.

4. In view of the foregoing the review application is without merit and is dismissed in circulation.

  
(S.A. Singh)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

Patwal/