

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No.143 of 2004
IN
O.A. No.1263 of 2003

New Delhi, this the 8th day of March, 2006

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI N.D. DAYAL, MEMBER (A)

Mahabir Prasad
S/o Shri Phool Singh, Section Engineer/
M.W.M. DRM Office,
New Delhi.

.....Applicant.

(None present even on second call)

VERSUS

Union of India,
Through General Manager,
Northern Railway,
Baroda House,
New Delhi.

.....Respondents.

(By Advocate : Shri Rajinder Khatter)

ORDER (ORAL)

HON'BLE SHRI SHANKER RAJU, MEMBER (J) :

None for the review applicant even on the second call. We proceed in the matter in terms of Rule 15 of the CAT (Procedure) Rules, 1987. Accordingly, we have perused the pleadings on record and heard the contentions of the learned counsel for respondents.

2. It is trite law that in a review proceeding, no new ground(s) can be raised to re-agitate or reargue the matter as if it is an appeal. It is also trite law fortified by the decision of the Apex Court in the case of *Union of India Vs. Tarit Ranjan Das*, 2004 SCC (L &S) 160. It is also held by the Apex Court in the case of *SOW Chander Kanta vs. Sheikh Habib*, 1975(3) SLR 933 that "Review of a judgement is a serious step and a reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility.."

3. By the order passed dismissing the OA on 29.3.2004, all the contentions raised by the applicant, including his status as of Incharge, supply of documents have been meticulously dealt with and a reasoned order has been passed.

4. By way of present Review Application, the applicant intends to bring on records certain grounds like proper procedures during inquiry have not been followed, copies of relied upon documents were not given by the enquiry officer and the conclusion of the Tribunal as in charge of Store at Rai – ka Bagh Jodhpur is not correct.

5. We have perused the statement of the applicant dated 28.12.1997, which was submitted by him during the course of the disciplinary proceedings, wherein he has stated that i am working as Incharge, Rai –ka – Bagh, Jodhpur. As such this bellies the contention raised.

6. In the matter of review, as held by the Apex Court in the case of *Government of T.N. and others vs. M. Ananchu Asari and Others*, 2005 SCC (L&S) 258, contentions not raised/material not furnished during pendency of appeal cannot be a ground for review and where the contentions raised concerned the merits, they could not be reheard in review.

7. In the above backdrop, we find no error apparent on the face of record. By this Review Application, applicant in Review Application is only trying to re-argue the whole matter as if it is an appeal which is not within the ambit of review under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 as well as Order XLVII , Rules (1) and (2).

8. In the result, this RA lacks merits and is accordingly dismissed.


(N.D. DAYAL)
MEMBER (A)


(SHANKER RAJU)
MEMBER (J)

/ravi/