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Central Administrative Tribunal
Principal Bench, New Delhi.

RA-204/2004
OA-474/2003

New Delhi this the 23rd day of February, 2005.

Hon'ble Sh. Shanker Raju, Member(J)
Hon'ble Sh. S.A. Singh, Member(A)

Sh. Rajender Kumar Singh,
Head Parcel Clerk,
Northern Railway Station,
New Delhi.

..... Review Applicant.

(through Sh. M.L. Sharma, Advocate)

Versus

1. Union of India through
Chairman,
Principal Secretary,
Government of India,
Ministry of Railways
(Railway Board)
Rail Bhawan,
New Delhi.
2. General Manager,
Northern Railway,
Headquarter Office,
Baroda House,
New Delhi.
3. The Divl Railway Manager,
Northern Railway,
Estate Entry Road,
New Delhi.

..... Respondents

(through Sh. P.K. Yadav, Advocate)

Order (Oral)
Hon'ble Sh. Shanker Raju, Member(J)

Heard the learned counsel.

2. In the light of decision of the Apex Court in U.O.I. Vs. Tarit Ranjan Das (2004 SCC (L&S) 160), it is not the duty of the Court in review to act as an Appellate Court while reviewing the original order.

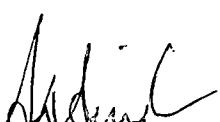
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3. The only scope of review is laid down under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Order XLVII Rule (1) of CPC is when there is an error apparent on the face of record or discovery of new and important material which was not available to the review applicant even after exercise of due diligence.

4. It is also trite law in the light of decision of the Apex Court in Shankar K. Mandal & Ors. (2003(2)SC SLJ 35) that if happenings in the court were wrongly recorded in the judgment, attention of the Court can be called by way of review but for clarification and if the grounds have not been considered would not constitute an error apparent on the face of record.

5. In the above backdrop and the settled position of law, learned counsel of the review applicant states that he has taken the ground of no evidence, disagreement of charge-III by the Disciplinary Authority and competence of the Disciplinary Authority, the Tribunal has not correctly appreciated the facts and the documents placed on record were not considered.

6. We fail to understand as to how this constitutes an error apparent on the face of it. In the light of settled position of law, we do not find any merit in the present RA, which is accordingly dismissed.



(S.A. Singh)
Member(A)



S. Raju
(Shanker Raju)
Member(J)

/vv/