

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA No.213/2004 in
OA No.2910/2003
MA No.1628/2004

New Delhi this the 10th day of August, 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Govt. of NCT Delhi & Others

-Applicants

-Versus-

Ms. Laxmi & Others

-Respondents

ORDER (By Circulation)

This RA is directed against an order passed in OA-2910/2003 on 19.5.2004, allowing the claim of original applicants/respondents in RA for continuance of grant of special allowance at double the rates.

2. Review applicants contended that the letters issued by the Government on 29.12.1976 and 30.7.1991 which were relevant by which special allowance has been stopped by the Finance Department of Government of NCT of Delhi. These letters could not be mentioned during the course of arguments.

3. The ambit of review under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 as well as Order XLVII , Rules (1) and (2) is limited. We do not find any error apparent on the face of the record. As regards discovery of new material the condition precedent is that even after due diligence the same could not be procured by the contending parties. As these orders were in possession of the review applicants their act of not bringing the same to the notice of the same would not be discovery of new material.

4. The Apex Court in Union of India v. 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 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.”

5. Having regard to the above MA, seeking condonation of delay is allowed. RA is dismissed, in circulation.

S. Raju
(Shanker Raju)
Member (J)

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