

**Central Administrative Tribunal
Principal Bench**

RA No.218/2005

&

MA No.2047/2005

In

OA No.2502/2003

Lucknow, this the 27th day of October, 2005.

Hon'ble Mr. Shanker Raju, Member (J)

Hon'ble Mr. M.K. Mishra, Member (A)

Union of India & Others

-Review Applicants

-Versus-

Jatinder Kumar & Others

-Respondents

ORDER (By Circulation)

Mr. Shanker Raju, Hon'ble Member (J):

The present R.A. has been filed by the review applicants seeking review of our order dated 21.04.2005, passed in OA No.2502/2003.

2. The review applicants have also filed MA-2047/2005, seeking condonation of delay in filing the R.A.

3. We have perused the MA and are satisfied that the grounds given are good enough to condone the delay.

Accordingly MA is allowed and the delay in filing the RA is condoned.

4. We have also perused our order dated 21.04.2005 and do not find any error apparent on the face of record or discovery of new and important material which was not available to the review applicants even after exercise of due diligence. If the review applicants are not satisfied with the order passed by the Tribunal remedy lies elsewhere. 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.”

4. Having regard to the above RA is dismissed, in circulation.


(M.K. Misra)
Member (A)


(Shanker Raju)
Member (J)

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