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Central Administrative Tribunal, Principal Bench
New Delhi

RA No. 232 of 2004
In
OA No. 3012 of 2003

This, the 26th day of August, 2004

Hon'ble Shri Shankar Raju, Member (J)
Hon'ble Shri S.A. Singh, Member (A)

Sh. G.R. Kalra
S/o late Sh. Lekh Raj Kalra,
R/o 1043, Sector-4, R.K. Puram,
New Delhi - 110 022.

...Review applicant

-versus-

1. Union of India through
Its Director General,
Ministry of Communication,
Sanchar Bhawan, New Delhi.
2. Bharat Sanchar Nigam Limited through
The Chief General Manager,
Northern Telecom Region,
New Delhi.

...Respondents

ORDER (By circulation)

By Shankar Raju, Member (J):

Through this R.A., applicant has sought review of the order passed on 20.07.2004 dismissing the O.A. on the ground that the decision is sub silencio and is per incuriam of the Apex Court's decision. The applicant attempts to re-agitate the matter by contending that reservation has reached to 100%.

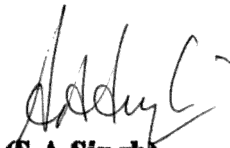
2. The aforesaid is not within the scope of review. The only ground raised before us is ante dating the promotion and grant of retrial benefits on the basis of post based roster, which cannot be legally countenanced.


3. The Apex Court in the case of *Union of India vs. Tarit Ranjan Das*, reported as 2004 SCC (L&S) 160, has observed as under:

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“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. In the light of the above, review application does not fall under Section 22(3)(f) of the Administrative Tribunals Act, 1985 and the same is accordingly dismissed.


(S.A.Singh)
Member (A)


(Shanker Raju)
Member (J)