

Central Administrative Tribunal, Principal Bench
New Delhi

RA No. 235 of 2004
In
OA No. 3109 of 2003

This, the 26th day of August, 2004

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

Controller General of Defence Accounts

...Review applicant

-versus-

Krishan Singh Balyan

...Respondents

ORDER (By circulation)

By Shankar Raju, Member (J):

By an order dated 3.6.2004 the Original Application was allowed. This RA is directed against the aforesaid order filed by the respondents contending that there are errors apparent on the face of record, which have cropped up because SAS part-I examination held in 2002 was not the first SAS Part-I examination. Earlier examinations were year-wise. Accordingly, the applicant is not to have attempted first available SAS part-I examination. It is submitted that the respondents were not in the knowledge of the facts.

2. 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:

"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, it is not established that the information now available even after due diligence could not be produced by the respondents rather it was in the knowledge of the respondents. Accordingly, it is an attempt on the part of the respondents to re-agitate the matter, which is not permissible under Section 22(3)(f) of the Administrative Tribunals Act, 1985 and, therefore, the Review Application is accordingly dismissed.



(S.A.Singh)

Member (A)



S. Raju

(Shanker Raju)

Member (J)