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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No. 365 of 2003
IN
O.A. NO. 833 OF 2003

New Delhi, this the 12th day of Jaunuary, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

1. Sh. Balak Ram,
Upper Division Clerk, Special Service Bureau,
Ministry of Home Affairs, Block V(East)
R.K.Puram, New Delhi-110066 and
2. Sh. S.K. Ghosh,
Assistant, Special Service Bureau,
Ministry of Home Affairs, Block V(East)
R.K.Puram, New Delhi-110066.

. Applicants

Versus

1. The Secretary,
Ministry of Home Affairs,
Government of India,
North Block, New Delhi-110001
2. The Director General,
Special Service Bureau,
Ministry of Home Affairs,
Block-V (East),
R.K. Puram, New Delhi - 110066
3. The Inspector General,
Special Service Bureau, GOI
Frontier Head Quarter,
Lucknow, U.P.
4. The Area Organiser,
Special Service Bureau
Bomdila, Kameng District (West),
Arunachal Pradesh

. Respondents

O R D E R

By this review application, the applicants have sought review of order dated 21.10.2003 in OA No. 833/2003.

2. This Tribunal by order dated 21.10.2003 observed in paragraph 6 as follows:-

"In this case, it is apparent that the cause of action arose in 1993 when they were posted in Bomdila. The representation made sometime in 1999-2000 by Applicant No.1 is quite late. Counting of period of limitation in respect of making

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representation late by applicant No.2 is also not acceptable. Apparently, in the case of Applicant No.2 his request was refused on 21.10.2002 and the OA was filed on 10.3.2003 . The same has to be taken beyond the period of limitation."

It was further observed that

"Therefore, on consideration of the facts of this case, the relief claimed by the applicants cannot be allowed both on ground of OA having been barred by limitation as well as on merits."

3. The applicants have also filed Misc. Application No.Nil of 2003 enclosing a copy of judgment of the Hon'ble Supreme Court dated 16.3.98 challenging the Guwahati Bench's decision as well as copy of an order dated 2.12.2003 in OA No.1385/2003 in the case of Damodar Dass & Ors. Vs. UOI & Anr. decided by the Principal Bench of this Tribunal.

4. A reading of the entire review application as well as Misc. application indicates that the applicants want to press for recall of the said order or intend to claim the reliefs which were rejected by earlier order dated 21.10.2003 by this Tribunal through this Review application.

5. The scope of review under section 22(3)(f) of the Administrative Tribunals, Act,1985 is limited to correction of errors which are plain and apparent. This has been so held by the Hon'ble Supreme Court in the case of Subhash Vs. State of Maharashtra & Anr. AIR 2002 SC 2537. The efforts of the applicants in this case is to reargue the whole of the case as if the same is being presented in appeal. In the opinion of this Tribunal this is not permissible within the provisions of Section 22(3)(f) of the Administrative Tribunals Act. Therefore, the present Review Application as well as Misc. application filed on

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28.11.2003 deserve to be rejected at the circulation stage without issue of notice to the parties. It is ordered accordingly.

6. Before parting with the order, it is mentioned that if the decision of this Tribunal dated 21.10.2003 given in this OA had been brought to the notice of the Tribunal in O.A No.1385/2003, the matter would have been referred to a larger Bench and contradictory decisions by two different Benches would not have been passed. The reading of the order dated 2.12.2003 in the case of Damodar Dass's case (supra) reveals that the same was disposed of in the absence of any representation by respondents under Rule 16 of the Central Administrative Tribunal (Procedure) Rules, 1987. It may also be further noted that the review applicants were at liberty to take recourse to the legal remedies available to them instead of filing this Review Application which is not within the scope and limit of Section 22(3)(f) of the Administrative Tribunals Act, 1985. The provision of review cannot be substituted for consideration of the whole matter as if being argued in appeal.

7. In the light of the observations in the preceding paragraphs, the review application is rejected at the circulation stage.



(R.K.UPADHYAYA)
Administrative Member,

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