

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.NO.196/2001
IN
O.A.NO.116/2001

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New Delhi, this the 06th day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Union of India & Ors. ...Review applicants
(By Advocate: Shri B.S.Jain)

Versus

1. Ramesh Datt, S/O Sh. Phool Singh
2. Dadhri Dhar, S/O Shri Darkoo ... Respondents
(By Advocate : Shri T.D. Yadav)

O R D E R

In OA-116/2001, this Tribunal had passed the following orders on 12.1.2001:-

"3. In the circumstances, I see no harm in disposing of this OA even at this very stage by directing the respondents to consider the matter carefully in terms of the aforesaid Railway Board's circular and various orders of the Courts available on this subject and, on being found eligible, incorporate the applicants' name in the live casual labour register. The respondents are directed accordingly. They are further directed to act in the matter as expeditiously as possible and take a decision in any event within a period of three months from the date of receipt of a copy of this order."

2. By the aforesaid order, the respondent-authority (review applicants) were directed to incorporate the names of the applicants in the live casual labour register. The aforesaid order was passed in the background of the provisions made in the Railway Board's Circular dated 28.8.1987.

3. The learned counsel appearing on behalf of the review applicants has argued that a mistake of fact as well as law has occurred in passing the aforesaid order


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According to him, the aforesaid OA is time barred and this is so in accordance with the findings reached by the Full Bench judgement of this Tribunal in Mahabir Vs. Union of India & Ors. (OA-706/96 with connected cases), decided on 10.5.2000. The Full Bench had occasion, according to him, to consider the various provisions made in the circular issued by the Railway Board on 28.8.1987 in detail. He has next proceeded to rely on the judgement rendered by this very Bench in a similar case in RA-198/2001 (in OA-115/2001) on 4.10.2001. A copy of the order passed in the aforesaid RA has been placed before me for perusal. After going through the same, I find that on facts as well as on law, the present RA deals with similar issues as had been raised in that RA-115/2001.

4. The learned counsel appearing on behalf of the respondents (original applicants) has not filed a reply but ^{had} promised to do so by the end of October, 2001. An order in this RA was accordingly reserved. The learned counsel has, however, failed to file a reply.

5. The learned counsel had, during the course of arguments on 19.10.2001, reiterated, by and large, the same grounds which were pleaded in RA-198/2001. In this view of the matter, the present RA is, I find, fully covered by the decision taken in RA-198/2001.

6. In the circumstances, the R.A. is allowed and OA-116/2001 is restored to file at its original number. The restored OA is at the same time dismissed without any order as to costs.


(S.A.T. RIZVI)
MEMBER (A)

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