

Central Administrative Tribunal, Principal Bench

Review Application No.24 of 2000 In
Original Application No.2175 of 1998

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New Delhi, this the 30th day of January, 2001

Hon'ble Mr.Kuldip Singh, Member (J)
Hon'ble Mr.M.P. Singh, Member(A)

Mana Mashih S/o Shri Mehngo Masih
Aged about 39 years
R/o S-703, New Nurses Hostel,
Safdarjung Hospital,
New Delhi

And employed as:

Nursing Sister (RANK No.4329)
In Safdarjung Hospital
New Delhi.

- Applicant

By Advocate Shri B.B. Raval.

Versus

1. Union of India

Through the Secretary (Health)
Min. of Health & Family Welfare,
Government of India,
Nirman Bhawan,
New Delhi-110 001.

2. The Medical Superintendent,
Safdarjung Hospital,
New Delhi-110 029.

3. Smt. R.K. Tuli
Then Working as Nursing Sister
Now working as Nursing Superintendent,
Kalawati Saran Hospital,
New Delhi.

4. The Additional Medical Superintendent,
Kalawati Saran Children's Hospital,
New Delhi.

- Respondents

(By Advocate - Shri S.M. Arif)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(J)

This is a Review Application filed by the
applicant whereby she is seeking review of the order
passed by the Tribunal in OA No.2175/98. In the RA the

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1. applicant has alleged that the private respondent No.3 has procured a judgment in her favour by making false statement and making fraud upon the court with regard to the fact when she got the pay scale of Rs.1640-2900.

2. The applicant further claims that she has annexed a copy of the order showing that respondent No.3 got the pay scale of Rs.1640-2900 on 12.4.85, whereas, in fact, she had got the pay scale on 29.5.90. Thus by playing fraud she had obtained an order in her favour.

3. Applicant also claims that the order vide which respondent No.3 had been granted pay scale of Rs.1640-2900 was not in his possession earlier so he could not place it on record. Hence it is prayed that the judgment in question be recalled and the case should be heard again and the respondent No.3 should be prosecuted under Section 193 IPC for an offence for which Tribunal can start criminal proceedings under Section 340 of the Code of Criminal Procedure.

4. The application is being opposed by the department. They have also filed their replies and we have gone through them.

5. We have heard the learned counsel for the parties and gone through the record.

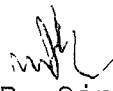
6. The contents of the Review Application does show that while deciding the OA the court had relied upon

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the affidavit filed by the private respondent and had believed it to be true. The Challenge to the statement of private respondent that she got the pay scale of Rs.1640-2900 in the year 1985 had not been successful in the CA as there was no evidence available to contradict the stand of the private respondent. Thus as per the showing of the review applicant itself we do not find that there is any error apparent on the face of the record which may require review of the order passed by the Tribunal under Order 47 Rule 1 CPC.

7. In view of the above, no order is called for on the RA which is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/Rakesh/