

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

HON. SHRI R.K. AHOOJA, MEMBER 'A'

R.A. NO. 244/1995 IN O.A. NO. 2025/1994

NEW DELHI, THIS 24th DAY OF FEBRUARY, 1997.

SHRI HARNAM SINGH CHAWLA
S/o Shri M.S. Chawla
Retd. Rajbhasha Adhikari
Northern Railway
Baroda House
NEW DELHI

r/o 213/2 Railway Colony
Kishan Ganj
DELHI

..REVIEW.APPLICANT

By Advocate Shri B.S. Mainee

VERSUS

UNION OF INDIA, through

1. The Secretary
Railway Board
Ministry of Railways
Rail Bhawan
NEW DELHI

2. The General Manager
Northern Railway
Baroda House
NEW DELHI

..REVIEW.RESPONDENTS

By Advocate Shri P.S. Mahendru

ORDER

I have heard the learned counsel on both sides. One of the main grounds taken by the review applicant is that in the last para of the judgement, reliance has been placed on the fixation of pay of Shri M.S. Mathur, which is said to have been filed by the respondents, but a copy of which was neither given to the applicant's counsel nor

contd.. 2/-

5A

R.A. NO. 244/95

shown to him. Learned counsel for the review petitioner, Shri B.S. Mainee, in this context drew my attention to the order-sheet of the O.A. file, according to which it had been last heard on 13.7.1995 and the following order was passed:

"Heard the ld. counsel for the applicant and the respondents. Order reserved."

The order was pronounced on 28.7.1995. Shri Mainee submits that an additional affidavit was filed by the respondents on 17.7.1995. The order of 13.7.1995 as mentioned earlier does not show any such direction. Shri Mainee therefore contends that the applicant had no opportunity to explain or rebut the documents filed with the additional affidavit. It is alleged that there has thus been error of law apparent on the face of record. The ld. counsel for the respondents submits that the documents were furnished on the direction of the court and even if there is a passing reference in the judgement to these documents, the decision in the case has not been affected by these documents. Hence, there is no ground for any review.

2. I have carefully considered the arguments on both sides. I find that Shri Mainee is correct in his contention that the additional documents filed after the arguments had been heard and the case closed for orders. There is also a reference to these documents in the judgement finally delivered. There is no indication that a copy of these additional documents was served upon the applicant. Since it is necessary that justice should not only be done but also appear to have been done, the objection of the review

contd.. 3/-

55

petitioner is well-grounded. I therefore consider it proper that the judgement in O.A. No.2025/94 be recalled and the O.A. may be heard afresh.

3. The R.A. is allowed and the order in O.A. 2025/94 is recalled. Notice be issued to the parties. No costs.

R.K. Ahooja
'R.K. AHOOGA'
MEMBER (A)

/avi/