

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

(53)

NEW DELHI, THIS 24<sup>th</sup> 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

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32

5A R.A. NO. 244/95

shown to him. Learned counsel for the review petitioner, Shri B.S. Maine, 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 1d. counsel for the applicant and the respondents. Order reserved."

The order was pronounced on 28.7.1995. Shri Maine 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 Maine 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 1d. 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 Maine 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

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. Ahuja  
'R.K. AHOOJA'  
MEMBER(A)

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