

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

RA.No.121 of 1994
in
OA.No. 65 of 1994

Dated New Delhi this the 7th day of October, 1994

Hon'ble Mr Justice S.K. Dhaon, Vice Chairman (J)
Hon'ble Mr B. K. Singh, Member (A)

Shri Malook Ram
R/o B-129, Kidwai Nagar
NEW DELHI

... Review Applicant

By Advocate: Shri V.S.R. Krishna

V E R S U S

Union of India through

1. The Secretary
Ministry of Commerce
Government of India
NEW DELHI

2. The Chief Controller of
Imports and Exports
Administration, NGH Branch
Office of the Chief Controller
of Imports & Exports
Udyog Bhawan
NEW DELHI

... Respondents

JUDGEMENT

(By Circulation)

Mr B. K. Singh, M(A)

This RA.No.121/94 in OA.No.65/94 has been filed
against the judgement and order in OA.65/94 delivered
on 17.1.94.

2. The RA is maintainable only if it comes within
the four corners of Order 47 Rule 1 read with Section
114 of CPC.

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3. During the course of arguments in the O.A. the applicants relied upon a catena of judgements which are distinguishable on facts from the present O.A.

4. The applicant is not similarly placed as the other applicants in those OAs in as much as that those Sepoy Clerks/Havaldar Clerks in the Army were declared surplus and thereafter the respondents took them in Government service. It was in the context of that situation that the Tribunal directed that the services rendered by them may be counted for the purposes of seniority etc. In OA.65/94 the applicant himself categorically stated that he took voluntary retirement from Army before joining Government service in 1956 and retired on 31.5.87. The facts of the present OA and the facts of the OAs relied upon by the review applicant, are materially different, and as such the benefits given to the applicants in those OAs cannot be extended to him. In the RA he has not shown any important matter or evidence which he could not produce in the OA which was not taken into consideration. Although it is an ex-parte order when the applicant was not present but the order is based on the pleadings on record. There is no error, factual

or legal apparent on the face of the record warranting a review of the decision in OA.65/94.

5. We do not find any merit in the present RA and the same is rejected by circulation.

(B. K. Singh) 7/194
Member (H)

(S. K. Dhaon)
Vice Chairman (J)

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