

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No. 209/98 in OA No. 76/97 OA 2625/96

New Delhi, this 5th day of January, 1999

Hon'ble Shri S.P. Biswas, Member (A)

Shri Ishaq
s/o Shri Mahmood
Casual gangman under PWI
Northern Rly., Hapur

.. Applicant

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
NR, Moradabad
3. Divisional Engineer (HQ)
NR, Moradabad
4. Assistant Engineer
Northern Railway, Hapur .. Respondents

ORDER (in circulation)

This review application is filed on behalf of the respondents (Union of India) applicant for review of the the order and judgement dated 30.4.98 in OA 2625/1996.

2. Before we examine the various points raised by the respondents in support of their claim for a review, it would be relevant to reiterate here that the scope of review is very limited. The Tribunal is not vested with any inherent power of review. It exercises that power under Order 47, Rule 1 of CPC which permits review if there is (1) discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made: (2) an error apparent on the face of the record or (3) any other analogous ground.

(58)

3. The main grounds taken by the respondents are that they have not been granted opportunity to file their counter and that OA having been disposed of on 26.9.97 no fresh order could be passed on 30.4.98. It is seen from the OA file file that the respondents were given sufficient opportunity to file their reply to the OA from December, 1996 onwards but they failed to file an appropriate reply and therefore after hearing the learned counsel for both parties and perusing the pleadings on 26.9.97, the OA was 'allowed' in the open court with a stipulation that detailed orders shall follow. It is true that the judgement was ultimately released on 30.4.98 but no 'oral order' was dictated in the open court. I also find that the respondents have not come out with any ingredients as mentioned in para 2 above. As per respondents' own admission a copy of the order dated 30.4.98 was delivered to them on 10.9.98 whereas the RA has been filed on 26.10.98, i.e. beyond the limitation period of 30 days and that too without giving any explanation.

4. In the result, the review application deserves to be dismissed and I do so accordingly.


(S.P. Biswas)
Member(A)

/gtv/