

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

REVIEW APPLICATION NO.412/2000
& MA NO.2969/2000 IN OA 398/96.

3/1/2001

CORAM:HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN.
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)

Smt.K.Shankuntala Ramakrishna & 2 Ors. ... Petitioners

V/s.

Union of India & 2 Ors.

... Respondents

TRIBUNAL'S ORDER BY CIRCULATION

Per Smt.Shanta Shastry, Member(A)

By this Review Petition, the petitioners have sought a review of the order dated 29/5/2000 in OA No.398/96. The OA was dismissed. It was also observed in para-8 of the OA that as far as the recovery of excess payment is concerned, natural justice demands that the petitioners should be given a notice before directing recovery to be made. The respondents therefore may issue a notice to applicants in regard to the recoveries to be made and decide the same after considering the reply of the applicants.

2. The petitioners have filed this Review Petition on 6/9/2000 i.e. beyond the period of one month from the date of receipt of copy of the order. Therefore the petitioners have also filed MA No.2969/2000 explaining the delay in filing of the Review Application. It is stated by the petitioners that they received the certified copy on 10/7/2000 and they had to consult their Advocate as well as some Senior Advocates and also some very important information had to be collected and copies had to be obtained to be filed as Annexures. They were also searching

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for some Apex Court rulings. All this process consumed considerable time, therefore the delay has occurred.

3. The grounds stated for review are

- 1) They could not be present on the date of hearing.
- 2) The Apex Court while deciding the Civil Appeal No.13020 of 1996 in OA 1297/95 on 7/4/2000 had completely lost sight of and committed an error in over looking two other landmark judgements namely in the case of (1) Divisional Superintendent, Eastern Railway, Dinapur and Ors. V/s. Shri L.N.Keshri and Ors. and Union of India V/s. Vidya Sagar Mishra in Civil Appeals Nos.2117 and 2118 of 1969 decided on 6/8/1970 (reported at (1975) 3 SCC 1) and (2) Shyam Babu Verma and Ors. V/s. Union of India & Ors. decided on 8/2/1994 (reported at (1994) 3 SCC 521). The majority judgements having become the law of the land under article 141 of the Constitution of India, it shall be binding on all citizens. Further, the petitioners have also filed certain orders, letters as well as the Railway Board Circular which lays down protection of pay for voluntary and unilateral transferees in the Central Government.

4. No new plea can be taken in Review. Also no additional ground can be taken after the hearing of the case finally. In our considered opinion, the applicants are merely trying to re-argue the case. It is not that the majority judgement in the case of

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Shyam Babu Verma(Supra) was not brought to the notice of the Apex Court in the Civil Appeal No.13020 of 1996 filed by the CAS decided on 7/4/2000. In view of the above, the review application deserves to be dismissed.

5. Further the reasons given for the delay in filing of the review petition are also not acceptable as the petitioners are supposed to be fully equipped with all the material including the relevant judgements at the time of final hearing itself. Therefore even on the ground of limitation, the Review Petition deserves to be rejected. Accordingly both the Review Petition as well as the MP are rejected.

Shanta Shastri
(SHANTA SHASTRY)
MEMBER(A)

abp

Ashom Agarwal
(ASHOM AGARWAL)
CHAIRMAN