

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A. No.135/99

IN

O.A. No.321/97

Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 57th day of July, 1999

Shri B.M. Singh
S/o Shri Yog Raj
Ex Assistant Engineer, Northern Railway
Dhilwan Depot at Amritsar
R/o 9-A, Chander Puri
Taylor Road, Amritsar (Punjab) ...Applicant

(By Advocate: Shri G.S. Sandhu)

Versus

Union of India: Through

1. The General Manager
Northern Railway
Baroda House, New Delhi
2. The Chief Engineer
Northern Railway
Baroda House, New Delhi
3. The Deputy Chief Engineer(Bridges)
Northern Railway
Jalandhar Cantt (Punjab)Respondents

O R D E R (By Circulation)

Without going into the grounds taken by the applicant it can straightaway be stated that no review lies now against the order of the Tribunal dated 28.8.1998 in O.A. No.321/97.

2. The applicant had challenged the aforesaid order of the Tribunal before the High Court of Delhi. The C.W. 625/98 was dismissed by the High Court's Order dated 4.12.1998. The applicant had thereafter filed an R.A. No.10/99 which was also dismissed in lumini by the High Court vide its order dated 25.9.1998. Thus the orders of this Tribunal were confirmed by a Division

Bench of a superior Court. The applicant thereafter filed an SLP No. ⁶⁸²⁸⁻⁶⁸²⁹ 1/99 before the Supreme Court which was disposed of in the following terms:-

"Learned counsel for the petitioner seeks permission to withdraw these petitions to move the Tribunal for appropriate relief. Accordingly, liberty is given. The special leave petitions are dismissed as withdrawn."

3. The applicant has now come with the present R.A. stating that it is in accordance with the liberty granted to him by the Hon'ble Supreme Court. Since I discern no direction in the order of the Hon'ble Supreme Court, clearly the admissibility of this Review Petition has to be judged within the parameters of law. The Supreme Court has held in the case of Tungbhadra Industries Ltd. Vs. The Government of Andhra Pradesh, AIR 1964 SC 1372, that once the appeal itself has been decided, the jurisdiction of of the court hearing the review petition would come to an end. In Gopabandhu (Sri) Biswal etc. Vs. Krishna Chandra Mohanty and Ors., JT 1998 (3) SC 279, it was held by the Supreme Court that the decision of the Tribunal becomes final with the dismissal of SLP and after the judgment becomes final the Tribunal has no power of review. As per the decision of the Constitutional Bench in L. Chandrakumar Vs. Union of India, JT 1997(3) p.589, the first appeal against the order of the Tribunal now lies before the concerned High Court. Thus the ratio of the order of the Supreme Court in Gopabandhu Biswal case would now apply to the dismissal of an appeal before the High Court, in so far as the review jurisdiction of the Tribunal is concerned.

Dec.

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3. The review petition is accordingly summarily dismissed as not maintainable.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

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