

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A.NO.140/95 in
O.A.No.325/95

New Delhi, this the 7th day of July, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri S.R. Adige, Member (A)

Shri Surender Singh,
s/o Swaroop Singh
Vill: Bagerpur,
P.O. Bagerpur,
Distt: Bijnore (U.P.)

C/o Badlu Ram,
Compounder
Leprosy Home, Thairpur,
Shahdara, Delhi.

... Applicant

By Advocates: Shri S.P. Singha

Vs.

Union of India,
through

1. The Secretary,
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House, New Delhi.
3. The Divisional Railway Manager,
Northern Railway, Moradabad Divn.,
Moradabad (U.P.)
4. The Permanent Way Inspector,
Northern Railway, Bijnor (U.P.)

.. Respondents

ORDER

Hon'ble Shri J.P. Sharma, Member (J)

The applicant in the O.A. filed on 13.2.95
on the basis of having worked sometimes in the
Railways in the year 1983 and 1984 sought a
direction to the respondents for his engagement
as casual labour and for keeping his name in the

Live Casual Labour Register and regularise his services. That O.A. was dismissed by the order dated 29.4.95 holding that the application is barred by delay and laches and referred to the case of the Hon'ble Supreme Court - Rattnam Chand Samanta Vs. UOI reported in 1993 JT(3) 418. The relief for which cause of action was arisen in 1984 cannot be raised 11 years after in 1995.

Aggrieved by this order, the applicant has taken the ground in the review by filing a judgement of the Principal Bench in a bunch of cases(Annexure A-3) decided on 1.3.95. The copy of the judgement filed by the applicant does not go to show the relevant particulars of individual applicants as to when they last ceased to work as casual labour in the railways. All these bunch of O.As. were disposed of with the observation that the petitioners of that O.As. can make a representation to the concerned authorities giving full particulars of their service alongwith proof to substantiate the claim that they have a right to have their name included in the Live Casual Labour Register as mentioned in the memo. dated 28.8.87 of the General Manager, Northern Railway. The respondents

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have to dispose of the same representation. There is no bar to the petitioner of this case also to make any representation, if so advised, but for judicial review with regard to certain facts for grant of the reliefs, the Tribunal has to consider whether the aggrieved party has approached within time or not.

The Review under Order 47, Rule 1 of CPC lies on the ground when there is an error apparent on the face of the records which is not the case here or discovery of new information or document which was not readily available with the applicant at the time of arguments inspite of due diligence which is not the stand taken in R.A., or any matter analogous to the above two. The averment in the R.A. is that there should be no difference of opinion between the benches of CAT. However, the judgement referred to in the R.A. does not lay down a ratio. A mere direction to the petitioner in a bunch of cases to file a representation and the respondents to dispose of representation cannot be universally applied to each and every case coming before the Tribunal a judgement is precedent when it lays down a law.

In view of the above, the R.A. has no merit and is dismissed by circulation.

S.R. Adize
(S.R. ADIZE)
Member(A)

J.P. Sharma
(J.P. SHARMA)
Member(J)