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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-166/99 in
OA-2035/93

New Delhi this the 9th day of September, 1999.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. S.P. Biswas, Member (A)

Sh. B.K. Mishra,
S/o Sh. Bachcha Mishra,
R/o S-26, Mithla Vihar,
Prem Nagar,
Delhi-41.

.... Review Applicant

(through Sh. K.P. Dohare, Advocate)

versus

Union of India through

1. General Manager,
N. Railway,
Baroda House,
New Delhi-1.
2. Chief Personnel Officer,
N. Railway, Baroda House,
New Delhi-1.
3. Dy. Controller of Stores,
N. Railway, Shakur Basti,
Delhi-34.
4. Smt. Krishna Sethi,
Head Clerk (Asstt. Supdt.),
'P' Branch, N. Railway
General Stores,
Shakur Basti,
Delhi-34.
5. Sh. Ashok Kumar Sondhi,
Head Clerk, N. Railway,
Under SP & S, Shakur Basti,
Delhi-34.
6. Smt. Shanti Sharma,
Head Clerk under Dy. COS,
N. Rly. Jagadhari,
Distt. Yamuna Nagar,
Haryana.
7. Smt. Veena Sharma,
Head Clerk, 'P' Branch,
N. Rly. General Stores,
Shakur Basti,
Delhi-34.
8. Sh. Krishna Pal,
O.S. I (Supdt.)
Under S.O. & S,
Shakur Basti,
Delhi-34.

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9. Smt. Indindra Kaur,
N. Railway,
General Stores,
Shakur Basti,
Delhi-34.
10. Sh. O.P. Sharma,
O.S.I., 'P' Branch,
N. Railway General Stores,
Shakur Basti, Delhi-34. Respondents

ORDER(IN CIRCULATION)
Hon'ble Sh. S.P. Biswas, Member(A)

This review application has been filed by the applicant on 13.08.99 seeking review of the judgement of this Tribunal in OA-2035/93 decided on 02.07.1999. The said O.A. was dismissed on grounds of "delays and laches". The applicant has given a large number of grounds, as in paras 8(A)-(G), in support of his appeal for the review sought for. The applicant submits that there is an apparent error in recording that the applicant had approached the Tribunal after five years of final order dated 26.8.88. He would submit that the order dated 26.8.88, as in Annexure A-3 to the O.A., was only about the provisional seniority list. Whereas the final seniority was passed on 28.08.92, circulated on 22.9.92. Against this the O.A. was filed on 21.09.93 and hence the O.A. could not have been dismissed on grounds of limitation.

2. At the outset, it is made clear 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


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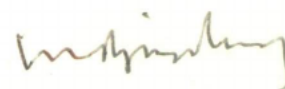
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piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made: (2) an error apparent on the face of the record or (3) any other analogous ground.. We find none of these ingredients is present in the review application. We also find that the grounds now taken by the review applicant have already been taken care of before disposing of the said O.A.

3. In the review application, the applicant has admitted of having made several representations dated 4-5/9.88, 29.3.89, 25.9.91 and 26.10.91 against the fixation of his seniority as set out in the provisional seniority list of Head Clerk (P Branch) dated 26.8.88. We find that none of his representations are directed specifically against the A-3 seniority list. They speak of applicant's grievances of he being denied of promotion vis-a-vis his juniors. None of representations challenges the A-3 seniority in particular. That apart, the applicant has admitted that he made first representation against the said seniority list in 1993 after the lapse of five years. Thus, we do not find any error apparent on the face of the records, which could alone warrant exercise of our power of review.

4. For the reasons aforementioned, the R.A. is dismissed being devoid of merits.


(S.P. Biswas)
Member(A)


(V. Rajagopala Reddy)
Vice-Chairman(J)

/vv/