

(9) IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

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RA 49/99 in
OA 1280/93

New Delhi this the 8th day of March, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri N. Sahu, Member (A)

In the matter of

1. Vipin Kumar Jain,
S/O Shri A.R. Jain,
R/O C/O Mander Dass Jain,
X/2487, Gali No.70,
Raghuvan Pura No.2,
Delhi-110031.

2. M.K. Single (Secretary),
R/O E-19, Maharaja Ranjit Singh
Road, Adarsh Nagar,
Delhi

and
Diploma Engineer Association (Secretary),
378/1A, Shiv Lok, Kanker Khera,
Meerut Cantt.

.. Review Applicants

Versus

Union of India
through its Secretary,
Ministry of Defence,
Government of India,
New Delhi.

.. Respondents

ORDER (BY CIRCULATION)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Applicants in OA 1280/93 have filed Review Application
49/99 praying for allowing the R.A. and ^{to be} re-call the impugned
order dated 4.12.98 and hear them and thereafter pass fresh
orders.

2. We have carefully considered the grounds taken in the
R.A. in which they have submitted, inter-alia, that apart from
the fact that the applicant's counsel was absent when the case
was listed for hearing on 4.12.1998, there are also certain
errors apparent/which justifies review. One of the errors pointed
out in the RA is that the Tribunal had in the impugned order
noted that no rejoinder had been filed whereas they have

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available in the paper book. They have alleged that the Tribunal has omitted to consider the rejoinder filed by the applicants and relying on the order of the Supreme Court dated 10.7.97 in SLP(c) Nos 11448-49/97, they have submitted that review is the only course.

3. We are unable to agree with the above contentions because what has been stated in paragraph 3 of the impugned order is that the respondents have submitted that the reply filed by them should also be taken as the reply to the amended OA in which it was noted that " applicants had not filed any rejoinder thereto."(emphasis added) The next line in paragraph 4 of the impugned order further states that we have "fully considered the pleadings" and heard the learned counsel for the respondents. From this it is, therefore, clear that the pleadings in the OA have been fully considered, including the rejoinder filed by the applicants and in the circumstances of the case, the contention of the applicants that we have wrongly assumed that no rejoinder has been filed at all is incorrect. As we have considered the pleadings and the impugned order is a reasoned order ~~and~~ ^{having regard to} based on the documents on record, and the settled principle of law in such matters, we do not find this as a sufficient ground as provided under Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 to allow the Review Application. We have also considered the other grounds taken in the RA and do not find ^{them to be} sufficient to re-call the impugned order. In the facts and circumstances of the case, we do not also consider the absence of the applicant's counsel on 4.12.98 as a sufficient ground for allowing the R.A., as documents on record have been considered. Besides, the applicant No.2 is the Diploma Engineers Association which has been represented through ^{its} Secretary and one of the Members

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of that Association could have been presented the same
listed for hearing on 4.12.1998 to submit the correct facts
which they have failed to do.

4. In the above circumstances, we find no merit in the
Review Application. The same is accordingly dismissed.

Kanashankar
(N. Sahu)
Member (A)

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J)

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