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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

6.6.1988.

RA 64/87 in OA 45/1986.

Shri Tejinder Singh Applicant.
 Vs.
Union of India & Ors Respondents.
None present.

This is an application for review of our judgment dated 29.6.1987 in OA 45/1986 is by the applicant therein. The Union of India & Ors. have moved the Supreme Court by way of S.L.P. That S.L.P. has been granted and the same has been registered as Civil Appeal No.784 of 1988. Pending notice of motion, the Supreme Court has also directed ex-parte stay on 8.3.1988. Now that the appeal is pending in the Supreme Court, the judgment rendered by this Tribunal would merge in the ultimate judgment of the Supreme Court in the appeal.

The Supreme Court has undoubted power under Order 41 Rule 33 of the CPC to grant relief even to the non-appealing respondents. The applicant, being a party to that appeal may in that appeal raise such pleas as he is entitled to and also claim the relief claimed by him in this review application.


Under Order XLVII Rule 1(2) ^{CPC} a party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party inter alia except when being respondent, he can present to the Appellate Court the case on which he applies for the

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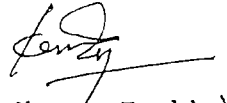
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review.

That being the position, the review application is held to be not maintainable. Even otherwise we find no merit in the review application, it is accordingly dismissed.



(Kaushal Kumar)
Member
6.6.1988.



(K. Madhava Reddy)
Chairman
6.6.1988.