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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

R.A.143/93 in
O.A.1331/87.

Date of decision: 27.7.1993.

Union of India & Ors.

Petitioners/Respondents.

Versus

Shri Om Prakash & Anr.

Respondents/Applicants.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the petitioners/
respondents

Shri Romesh Gautam,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The direction in the judgement is to the General Manager to take a decision in regard to the higher scales of pay to be accorded to the petitioners (respondents herein) holding the posts of Assistant Mistries after considering the recommendations of the Fourth Pay Commission and in the light of the directions of the Railway Board contained in paragraph 2 of its letter dated 26.8.1987 produced along with reply as Annexure R-I. In this review application, the said direction is sought to be reviewed on the ground that the counsel for the petitioners in the review petition was not made available the decision taken on 12.6.1991. It is not disputed that the

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party to whom the counsel represented was in possession of the said order. Hence, it is not a case of discovery of new important materials which inspite of due diligence could not have been relied upon at the time of final hearing. That the party was in possession of the order which was not given to its counsel cannot be accepted/^{as} a ground for review.

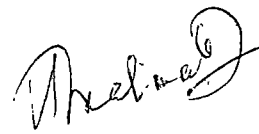
Besides, it is necessary to point out that all that we have directed to the respondents ^{is} /to consider the case of the petitioners (respondents herein). As the respondents are free to take appropriate decision, we feel that they are not handicapped in any manner. We, therefore, see no good ground to interfere. This review application is accordingly dismissed.

MP 1272/93, 1273/93

Shri Gautam submits that these MPs do not survive in view of our decision in the Review Application, as aforesaid. These M.Ps are accordingly disposed of.


(S.R. ADIGE)
MEMBER(A)

'SRD'
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(V.S. MALIMATH)
CHAIRMAN