

(1c)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

RA NO. 158/1990 IN  
OA NO. 1192/87

SHRI PREM NARAIN & ORS.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM:

THE HON'BLE JUSTICE MR. AMITAV BANERJI, CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

O R D E R

RA-158/90 was filed on 9.8.1990 seeking review of our judgement in OA-1192/87 delivered on 21.5.90. The review applicants have also filed a Miscellaneous application for condonation of delay in filing the review application (RA). The R.A. remained under objection as an affidavit in support of the application for condonation of delay was filed only on 26.8.91. In the MP for condonation of delay the applicants have taken the plea that the concerned staff were earlier borne on the strength of the Delhi Division and accordingly the case was contested by the Delhi Division. On the formation of the Ambala Division the Loco Shed Saharanpur where the concerned staff were working was transferred to the Ambala Division. As such, further action to process the case was to be taken by the Ambala Division in coordination with Delhi Division.

On merits for seeking the review the applicants have submitted that labelling the applicants as substitute Khalasi is erroneous as one of them was appointed only as a casual labour. It is, however, conceded that they are all working as Fitter Khalasi, Tube Cleaner, Machine Shop Khalasi etc. in Saharanpur Loco Shed. They dispute that the applicants were appointed against regular posts. They

d

are also aggrieved by the grant of back wages to the applicants and pray that this matter may be referred to a larger Bench.

Another point raised is that the Tribunal had not granted permission to the applicants to file a joint application under Rule 4 (5) (b) of the Central Administrative Tribunal (Procedure) Rules, 1987 and, therefore, the OA was not maintainable.

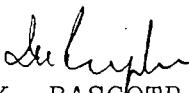
We have considered the review application and the application for condonation of delay and have again perused the record of the original application. We are of the view that first the review petition is time barred and the delay in filing the same is not explained to our satisfaction. Secondly, the points agitated in the review petition are by and large covered in the record of the proceedings of the original application. The scope of the review application lies within a very narrow compass. It cannot be used for repeating the arguments already advanced and considered by the Tribunal or to bring forth the arguments which with due diligence could have been brought up in the final hearing. It has been held by the Hon'ble Supreme Court in **Chandra Kanta and Anr. v. Sheikh Habib AIR 1975 SC 1500:-**

"Once an order has been passed by the Court, a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgement is a serious step and a resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility. A mere repetition through a different counsel, of the old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import, are obviously insufficient."

(V)

The review application is not meant for traversing the grounds earlier agitated or the grounds which were not brought up and which with due diligence were available to the litigant. We also do not find any error apparent on the face of record. The applicants have made submissions for referring the issue of "back wages" and "reinstatement" to a larger Bench. We have considered these submissions carefully but do not see any justification in referring the matter to a larger Bench.

In view of the above the RA is dismissed, firstly because it is time barred and secondly, because it does not make out a case for interference.

  
(I.K. RASGOTRA)

MEMBER(A)

19.9.91.

/SKK/

  
(AMITAV BANERJI)

CHAIRMAN

19.9.91.