

Central Administrative Tribunal
Principal Bench: New Delhi:

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R.A. 117/94 &
M.A. 893/94 in
O.A. 2071/88

New Delhi, this the 9th day of January, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri S.R. Adige, Member (A)

Hari Dutt Sharma,
s/o late Shri Hari Lal Sharma,
Goods Supervisor,
Railway Station Hanumangarh (Raj) ... Applicant

By Advocate: Shri G.D. Bhandari

Vs.

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Area Railway Manager,
Northern Railway (Meter Gauge),
Queen Road, Delhi.
3. Divisional Railway Manager,
Northern Railway, Bikaner. ... Respondents

By Advocate: Shri R.L. Dhawan

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

We have heard Shri R.L. Dhawan for Union of India, Review applicant. The Review applicant in this case sought review of the judgement passed in O.A. NO.2071/88 dated 4.2.84 whereby pointing out an error on the face of the judgement whereby the age of the applicant has been taken to be as 56 years from the verification clause and therefore in that light the punishment imposed upon the applicant in SF-11 for imposition of minor penalty considered to be a major penalty which was likely to affect his retirement benefits. It is now pointed out that the age of the

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applicant is 54 years and he would have completed 3 years much before his retirement because the punishment order was withholding of increment for a period of three years without cumulative effect which would have exhausted itself on 31.12.90.

2. Shri G.D. Bhandari, counsel for the original did not file any reply to the Review application but verbally opposed the maintainability of this Review application on the ground of limitation pointing out that there is only a period of one month from the date of the order when the aggrieved party can file the Review application. In the present case, the judgement was delivered on 4.2.94 and the Review application has been filed on 24.3.94. The office has reported that the date of receipt of the copy of the judgement by the respondents is 17.2.94 and thus, the application should have been filed by 17th or 18th of the next month. However, this R.A. has been filed on 24.3.94. There is delay of only a week in filing this Review application. The Review applicant has also filed a misc. application for condoning the delay caused in filing in this Review application. The original applicant has also not filed any reply to the aforesaid M.A. for condoning the delay in Review application as well as rebutting the affidavit of Shri G.L. Kataria, Divisional Personnel Officer, Bikaner Division, Northern Railway. In view of this, we condone this delay and hold that this Review application is maintainable.

3. We have heard the Review applicant as well as the original applicants' counsel and find that there is an error apparent on the face of the judgement and this fact is not disputed by the counsel of the original applicant. In view of this, the judgement passed by us on 4.2.94 has to be reviewed and the case has to be heard again on merit. The Review application is therefore allowed as said above and the judgement delivered on 4.2.94 is not to be treated as judgement according to law as it covered only the point of age of the applicant and is under subject of review. The judgement in the O.A. shall be given after the original applicant as well as the respondents are heard and at that time the judgement under review shall be substituted by a fresh judgement, as the case may be. The Review application is disposed of accordingly. The case be listed for re-hearing on 15.2.1995.

Pratap Singh
(S.R. AD/IGE)
Member (A)

J. P. Sharma
(J.P. SHARMA)
Member (J)

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