

12

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

M.A.1747/94

R.A. 423/93

O.A.1377/88

NEW DELHI, THIS THE 25th DAY OF JULY, 1994.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)  
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Shri Lal Chand  
Gali No.5, RZ 7F  
Sagar Pur, P.O. Nangal Raya,  
NEW DELHI.

...Applicant

By Advocate : Shri KBS Rajan.

VERSUS

Union of India, through

1. The Secretary,  
Ministry of Defence,  
NEW DELHI.
2. The Commandent,  
No.4 R.P.O.  
Reserve Petrol Depot,  
Delhi Cantt-10.

...Respondents

By Advocate : Shri B.K. Aggarwal

JUDGEMENT (Oral)

R.A.423/93, the Review Applicant has filed Original Application No.1377/88 claiming wages for 506 days from September, 1984 to January, 1987 amounting to Rs.8100/-. This application was decided by the judgement of 7th October, 1993 whereby we have held that there is no authentic and reliable averment in the application or any document in support thereof to grant relief prayed for about the alleged withholding of amount of Rs.8100/- and, therefore, we dismissed the Application.

2. As is evident from our judgement also, the applicant belongs to the lowest strata of the society and does not have much understanding of his rights available against the employer. He, therefore, moved the petition before the Hon'ble Chairman that the judgement delivered by this Bench be reviewed. He


has also appeared before the Hon'ble Chairman, and taking sympathetic view of the matter, though the Review Application was not in Order, it was directed to be listed before us and, we also magnanimously considered the same and summoned the respondents. The respondents are represented by the Counsel Shri B.K. Aggarwal.

3. The counsel for the respondents rightly pointed that such a Review Application cannot be allowed and would be abuse of the process of law. Shri KBS Rajan, who appeared as <sup>a</sup>amicus, has referred to certain documents in possession of the applicant in the form of a diary where there is certain writing showing certain ~~noting~~ for working of the applicant in a particular period and on specific dates. Shri Rajan pointed that where the word <sup>amount</sup> has been wrongly mentioned in the Original Application but in <sup>fact,</sup> the applicant has claimed overtime allowance for having been detained beyond working hours at the places where he was deputed to work and he has noted the same dates/time in the diary. The photocopy of some of the pages of diary has been filed as Annexure to the Review Application and same has also been given to the counsel for the respondents.

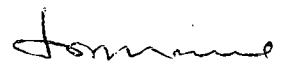
4. A review of the application can be entertained only under Order XLVII of C.P.C. when there is an error apparent on the face of judgement or the applicant has pressed any fresh evidence to be considered which are not in his knowledge with due diligence when the case was heard and disposed and also there is no analogous matter but at the same time considering the facts of this case we do find that a probe is required at the administrative level in certain writing available with the applicant of having worked for certain period beyond office hours he was engaged. Though, as such

we are not modifying or varying our judgement nor substituting it but while disposing of this Review Application, we observe that the applicant shall be at liberty to make a representation to the respondents and that Shri KBS Rajan will draft for the semi-illiterate applicant detailing period or days or working hours beyond the normal working period and respondents, may, consider on sympathetic ground as the applicant has crossed 72 years of age and appears to be hard-pressed financially.

5. The respondents shall consider the case of the applicant with open and sympathetic mind irrespective of the litigation which he has entered into. The Review Application 423/93 is disposed of accordingly.



(B.K. SINGH)  
MEMBER (A)



(J.P. SHARMA)  
MEMBER (J)

SSS