

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA-16/91 in

Date of decision: 7-2-91

OA-268/89

Shri Patrick Xess

..Applicant

Versus

Union of India & Ors.

..Respondents.

CORAM:

The Hon'ble Mr. Justice Amitav Banerji. Chairman

The Hon'ble Mr. I.K. Rasgotra. Member (A)

For the applicant

Shri B.S. Mainee.

Counsel.


The above Review Application has been filed under Section 22 of the Administrative Tribunals Act, 1985 praying for rectification of the factual error appearing in the last paragraph of the judgement delivered in OA-268/89 on 23.11.1990. The petitioner has been referred to as Guard Grade 'A' instead of Guard 'A' Special.


We have gone through the record of the case. We find that Shri Patrick Xess was reverted from the post of Guard Grade 'A' Special to the lowest grade of the Guards who operate on goods trains. The error seems to have crept in inadvertently in transcription. . Such a matter however cannot be subject of the Review Application under Section 22 of the Administrative Tribunals Act. The Review Application however seems to have been filed under the said provision of the Act, since there is no provision corresponding to Section 152 of the Code of Civil Procedure in the Central Administrative Tribunal (Procedure) Rules, 1987. In the circumstances we deem it proper to

treat this application under Section 152 of the Code of Civil Procedure and proceed to rectify the inadvertent transcription mistake by substituting Guard Gr. 'A' appearing in the last paragraph of the judgement dated 23.11.1990 by Guard Gr. 'A' (Special). The last paragraph of the said judgement delivered in OA 268/89 shall accordingly read as under:-

"The applicant has also prayed for a direction to the respondents to reinstate him as Guard Gr. 'A' (Special) with consequential benefits. This prayer has also to be granted since the orders passed by the disciplinary authority as well as by the appellate authority are being struck down. We. therefore. set aside the impugned orders dated 2.12.1988 (Annexure A-1) and dated 19.1.1989 (Annexure A-2) and further direct the respondents to reinstate the applicant as Guard Gr. 'A' (Special) and pay him the consequential monetary benefit. We further order that the respondents will be at liberty to start the proceedings afresh. The O.A. is accordingly allowed. There will be no order as to costs."

The application is accordingly disposed of in terms of Section 152 of the Code of Civil Procedure.


(I.K. RASOTRA)
MEMBER(A)


(AMITAV BANERJI)
CHAIRMAN