

1205-94

RA: 178°94
GA: 770°89

RA despede \leftarrow by Cerealis.

130

—

720°89

(P)
(K)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. NO. 178/94
in
O.A. No. 770/89

New Delhi the 12th Day of May 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

Shri Hari Krishan Sharma,
son of Shri R.D. Sharma,
IOW/Western Railway, IOW Northern Railway,
Presently employed as Suboversear Mistry (SOM)
under IOW Hapur, District - Ghaziabad. .. Applicant

Versus

1. Union of India, through
 - a) General Manager, Northern Railway,
Baroda House, New Delhi
 - b) General Manager (Engineering),
Western Railway, Church Gate,
Bombay.
2. Chief Engineer,
Survey and Construction, Western Railway,
Station Building (1st Floor),
Church Gate, Bombay (Br.20)
3. Divisional Railway Manager,
Northern Railway, Moradabad. .. Respondents

O R D E R

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

Original Application No. 770/89 was filed by the applicant against a number of relief's regarding his reversion to Suboversear Mistry (SOM) and fixation of his pay. At the time of hearing of this application none appeared from the side of the applicant as well as from the side of the respondents. The case was decided on the basis of the pleadings of the parties taken in view the grounds mentioned by the applicant. By the detailed reasoning in the order, we have considered all

....2.

JK

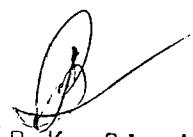
the aspects of the matter. The applicant was imposed penalty of WIT of 3 years from 25.5.1986 to 40.4.1989. His pay thereafter was fixed from 1.5.1989 at Rs. 1840/-.

Regarding the reversion of the applicant he did not pass the selection to the Grade of IOW Grade III to which he was permitted on 1.3.1983. In view of having failed in the selection in 1986, he was reverted to substantive post of SOM with effect from 29.5.1986. All these points have been covered in the judgement. In the Review Application the only emphasis has been placed on non-appearance of the counsel or of the applicant on the date of hearing. That is not the issue in the Review Application. The applicant has to point out any error apparent on the face of the order and no such error has been pointed out nor has been referred to in the various averments made in the Review Application. Under Order 47 Rule 1, CPC, a judgement/decision/order can be reviewed only if (i) it suffers from an error apparent on the face of record; (ii) on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by it at the time the judgement was made despite due diligence; and (iii) for any sufficient reason, construed to mean analogous reason and the Hon'ble Supreme Court has observed in the case of Chandra Kanta & Anr. Vs. Sheikh Habis AIR 1975 SC 1500 and in the case of Aribam Tuleshwar Sharma Vs. Aribam Pishak Sharma & Ors reported in AIR 1979 SC 1407. A review of the application can only be granted when there is glaring omission or apparent mistake or like grave error has crept in the judgement. That is

(S)

-; 3 :-

That is not the case here. The Review Application,
therefore, is dismissed as devoid of merits. (By Circumlocution)


(B.K. Singh)
Member (A)

Jomaae
(J.P. Sharma)
Member (J)

Mittal