

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

RA NO.152/91

DATE OF ORDER: 30.1.1992.

IN OA NO.1987/89

SHRI SHYAM LAL

...APPLICANT

VERSUS

SHARWAN KUMAR & OTHERS

...RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

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

FOR THE APPLICANT

SHRI R.K. RELAN, COUNSEL

FOR THE RESPONDENTS

MRS. SUNITA RAO, COUNSEL

O R D E R

This Review Application (RA) has been filed by Shri Shyam Lal, a third party, seeking review of our judgement in OA No.1987 of 1989 decided on 16.3.1990 Sharwan Kumar & Ors. v. UOI & Ors. The main ground for seeking review adduced in the R.A. is that the applicant is senior to the applicants in the O.A No.1987/89 and because of his non-impleadment in that O.A. his interest has been prejudiced.

At the outset we observe that the said O.A. was decided vide our judgement dated 16.3.90 while the R.A. has been filed on 29.8.91. In his application for condonation of delay the applicant in the R.A. has stated that the respondents' (Railway) department knowing fully well that he was senior to the applicants in OA No.1987/89 did not apprise him of the order of the Tribunal nor did they get him impleaded in the said O.A. The applicant was, therefore, in the dark throughout. He came to know of the position only after the respondents (Railway) filed a reply

to the OA No.758/91 filed by the applicant. The respondents alongwith their reply also filed a copy of the judgement dated 16.3.1990 in OA No.1987/89. We find from the Registry's record that OA No.758/91 was filed by the applicant on 1.4.1991 while the R.A. seems to have been filed as an afterthought on 29.8.1991. We also observe that the applicant was not in the suitability list prepared by the respondents in 1985 which was the subject matter in OA-1987/89.

Since this was a Review Petition by a third party we considered it in the interest of justice to issue notice to the concerned parties on 11.11.1991, returnable on 2.12.1991. Since none appeared for the respondents on 5.12.1991 the matter was listed on 21.1.1992. When the case came up again none appeared for the review applicant while Ms. Sunita Rao, counsel appeared for the respondents. In the circumstances, we decided to dispose of the R.A. in circulation between us, being the original parties to the judgement.

We have perused the record carefully and considered out judgement in the context of the pleas taken in the R.A by the applicant. We have also carefully considered the application for condonation of delay. We have, however, not been able to persuade ourselves to accept the reasons given for condonation of delay in filing the R.A as adequate and sufficient without, therefore, going into the merits. Further, we do not also consider that review applicant has any locus standi in the matter, as he was not on the suitability list for the Motor Lorry driver/Mobile Crane driver on 10.12.1985 on the basis of the trade test conducted at that time.

Further the scope of the R.A. is restricted to rectification of any error apparent on the face of record and on account of any new factor/document/ argument which

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was not available at the relevant time with due diligence.

The R.A. is accordingly dismissed, as devoid of merits.

Subhash
(I.K. RASGOTRA)

MEMBER(A)

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(T.S. OBEROI)

MEMBER(J)