

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

R.A.No.286/95

in

R.A.No.2182/90

New Delhi: this the 8th day of July, 1997.
Union of India through

General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Divisional Rly. Manager,
Northern Railway,
Allahabad.

3. The Loco Foreman,
N.Rly. Tundla

... Review Applicant

Versus

Tara Chand
S/o Shri Khoob Chand,
Foreman Grade 'C'

Under Loco Foreman,
Tundla,
R/o Nagla Ram Kishan,
Tundla,
Firozabad

..... Review Respondents.

2) R.A.No.287/95

in

R.A.No.2184/90

Union of India through
General Manager, Northern Railway,
Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
Allahabad.

3. The Loco Foreman,
Northern Railway,
Tundla

..... Review Applicants.

Versus

Shri Radhey Shyam
S/o Shri Khoob Chand,
Fireman Grade B,
Under Loco Foreman,
Tundla,
R/o Nagla Ram Kishan, Tundla,
Firozabad

..... Review Respondents.

Shri H.K.Gangwani for the review applicants.

Shri B.S.Maine for the review respondents.

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HON'BLE M.R.S.R. ADIGE MEMBER(A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER(J).

ORDER

BY HON'BLE M.R.S.R. ADIGE MEMBER(A).

We have heard Shri H.K.Gangwani for the review applicants (UOI & others) and Shri B.S. Mainee for the review respondents in R.A.No.286/95 and R.A.No.287/95 praying for review of judgment dated 2.2.95 in O.A.No.2182/90 Tara Chand Vs. UOI & others and O.A.No.2184/90 Radhey Shyam Vs. UOI.

2. The aforesaid two OAs came up for hearing on 2.2.95. While Shri Radhey Shyam was represented by Shri B.S.Mainee who also appeared for Tara Chand applicant, None appeared for the respondents. This fact was noted in the impugned judgment, together with the fact that inspite of several opportunities no counter affidavit has been filed on their behalf. The Tribunal by its impugned judgment allowed the OA and confirmed the reinstatement of Sarva/ Shri Radhey Shyam and Tara Chand in service already done in pursuance of Tribunal's interim order. It was further ordered that the aforesaid two persons would continue in service till their services were dispensed with in accordance with law or till they attained the age of superannuation and they would be entitled to payment of full salary and allowances from 5.5.80 till the date of their reinstatement, which was sometime in 1991.

3. Argument advanced by Shri Gangwani on behalf of review applicants (UOI & others) is that while passing the impugned judgment the Tribunal had not taken into account the Hon'ble Supreme Court's ruling in UOI & others Vs. K.V.Janki Ram 1991(2) SCALE SC 423. Shri Gangwani contended that as per this judgment, it was only the competent authority which could determine whether Sarva/ Shri Radhey Shyam and Tara Chand would be entitled to payment of full salary and allowances from 5.5.80 till the date of their reinstatement or not and therefore the matter should have been remitted to the competent authority for such decision, and the Tribunal had no jurisdiction to issue direction to the UOI to make payment of full salary and allowances to S/ Shri Radhey Shyam and Tara Chand for the aforesaid period. It is on this ground that Shri Gangwani contended that the impugned judgment dated 2.2.95 warranted review.

4. We have given the matter our anxious consideration. In our view the said ground does not bring the two RAs within the scope and ambit of Section 22(3)(f) A.T. Act read with Order 47 Rule 1 CPC, under which alone any judgment/decision/order can be reviewed. In the impugned order, the Tribunal had taken a conscious decision holding that the applicants were entitled to payment of full salary and allowances from 5.5.80 till the date of their reinstatement. We have already noted

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that none appeared for the U.O.I on the date of hearing. For a prayer for review to succeed it must be established that there has been an error or mistake apparant on the face of record. Even if at all the aforesaid direction to respondents to pay full salary and allowances to S/ Shri Radhey Shyam and Tara Chand for the aforesaid period is open to challenge on the ground of non-application of Hon'ble Supreme Court's ruling in Janki Raman's case (supra), such a challenge in our view cannot be mounted through an RA, whose scope and ambit as stated above, is severely limited.

5. Under the circumstance, RAs No. 286/95 and 287/95 together with connected M. As are rejected.

6. List C.P. No. 190/95 and 191/95 on 30.7.97.

Lakshmi Sivam
(MRS. LAKSHMI SIVAMINATHAN)
MEMBER(J)

A. Radige
(S. R. RADIGE)
MEMBER(A)

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