

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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RA 35/93 in OA 794/92

Date of Decision : 17.02.93

Union of India & Ors. Vs. C.V. Joseph and Anr.

ORDER

The respondents have filed this Review Application against the judgement dt.10.12.1992 by which the OA was disposed of with the following directions :-

"In view of the above facts and circumstances, the application is allowed with the direction to the respondents to pay OTA to the applicants after deducting at hour free duty of the over time duty performed beyond 8 hours on the working days and they also be paid OTA at the prescribed rate of Sundays and off days and on duty performed on national holidays as per the extant Rules. Regarding the other relief, claimed by the applicants, the respondents are directed to grant weekly off on Sunday or any other day a week to the applicants or make payment of OTA in lieu thereof as per the extant Rules. The respondents are directed to comply with the above directions within a period of three months from the date of receipt of a copy of this judgement. In the circumstances, the parties shall bear their own costs."

The respondents, i.e., the petitioners in the RA have taken the ground that the additional documents filed by the respondents therein have not been taken into consideration as regards applicant NO.2, Shri Roop Singh regarding his appointment to non test category. The matter has already been discussed in the judgement in para-6, "Applicant No.2 has been appointed as Packer Group 'D' w.e.f. 18.10.1975. The contention of the learned counsel for the respondents defferentiating the case of Roop Singh from that of Shri C.V. Joseph does not hold good. It is also stated by the respondents that both of them were ordered to work as

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Chowkidar and Darban. It is the case of the applicants that both of them joined as Packers in the test category Group 'D' on 7.3.1980 and 18.10.1975 respectively." Thus the ground taken now to reopen the matter again cannot be a ground for review. There is no other ground in the Review Application by the respondents.

As provided by Section 22 (3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil court while trying a Civil Suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed 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 him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean 'analogous reason'.

The case of the petitioners does not fall in any of such grounds. The Review Application is, therefore, dismissed as devoid of merit.

*J. P. Sharma*  
(J.P. SHARMA) 17.2.93  
MEMBER (J)