

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

M.A. Nos. 374 and 375 of 1994  
RA No. 48 of 1994 IN

O.A. 1479 of 1992

New Delhi this the 25th day July, 1994.

Mr. Justice S.K. Dhaon, Acting Chairman  
Mr. B.N. Dhoundiyal, Member

Shri Yoginder Kumar Sharma  
R/o I-126 Shastri Nagar,  
Delhi.

...Applicant in the  
O.A./Respondents in the  
R.A.

Versus

1. The Secretary,  
Min. of Railway,  
Railway Board,  
Rail Bhavan,  
New Delhi.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. The Divisional Railway Manager,  
Northern Railway,  
Allahabad.

...Respondents in the  
O.A./Applicant in the  
R.A.

(IN CIRCULATION <sup>ORDER</sup>)

Mr. Justice S.K. Dhaon, Acting Chairman

This is an application by the Union of India & Others seeking the review of the judgment given by us on 19.08.1993 in O.A. 1479 of 1992.

2. In our judgment we noted that despite several opportunities being given to the Union of India and Others, no counter-affidavit had been filed. We, therefore, proceeded on the assumption that the averments made in the O.A. were correct. We recorded a finding of fact that the applicant in the O.A. (Shri Yoginder Kumar Sharma S/o Shri Shri B.S. Sharma) was a genuine person and had been appointed as a Volunteer/Mobile Booking Clerk at the Aligarh Railway Station. We observed: " In the absence of any counter-affidavit, we have no option but to record the finding that the applicant did work as a Volunteer Booking Clerk, Northern Railway, Aligarh from 19.06.1983 to 30.06.1983.

3. We have perused the contents of the Review Application. In the Review Application, it is stated that our judgment, which was based on an earlier judgment given by this Tribunal and reported in ATR 1989(2) page 37 and which in turn was based on two other judgments was given in disregard of the judgment given by the Allahabad Bench of this Tribunal in O.A. No. 173 of 1992 and other connected cases on 04.09.1992. We have perused the said judgment although the same had not been cited before us and we find that it is confined to the case of the Mobile Ticket Collector. In fact, the Allahabad Bench had distinguished the earlier judgments of this Tribunal on which we relied by saying that they related to the cases of Mobile Booking Clerks and not Mobile Ticket Collectors. We are satisfied that even if the aforesaid judgment of the Allahabad Bench had been brought to our notice, our judgment would have been no different.

4. This application (Review Application) is supported by an application (MA) seeking the condonation of delay. It is admitted that there is a delay of 53 days in filing of the Review Application. No satisfactory explanation has been offered for the delay when it is admitted in the application that a certified copy of our judgment dated 19.08.1993 was received by the respondents in the first week of September, 1993. It is to be noted that the period prescribed for filing a Review Application is 30 days from the date of receipt of the order. The Review Application was presented in this Tribunal on 1.12.1993. We are, therefore, not inclined to condone the delay. We are satisfied that our judgment does not suffer from any error much less an error apparent

on the face of the record so as to enable us to exercise the power of review under Order 47 Rule 1 of the Code of Civil Procedure wherein our powers are circumscribed. We are also dismissing this application as barred by time.

5. The Review Application is rejected summarily.

*B.N. Dhondiyal*  
(B.N. DHOUNDIYAL)  
MEMBER

*S.K. Dhaon*  
(S.K. DHAON)  
ACTING CHAIRMAN

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