CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
. . . .

R.A.82/99 in CP 55/98
in
O.A.1821/92

New Delhi, this the 26th day of May,1999.

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER(A)

Shri Nehal Singh
and 23 others as
per memo of parties, ...Petitioners

(By Advocate:Sh. B.S.Mainee)

                            Vs.

Union of India through

1.   Shri D.P.Tripathi
     Secretary,
     Ministry of Railways,
     (Railway Board),
     Railway Bhavan, Raisina Road,
     New Delhi.

2.   Shri S.P. Mehta,
     General Manager,
     Northern Railway,
     Baroda House,
     New Delhi.

3.   Shri Om Parkash,
     Divisional Railway Manager,
     Northern Railway,
     Allahabad.   .....Respondents
(By Advocate: None)

                 ORDER(By Circulation)

          The Review Applicants herein had filed OA-1281/92
which was disposed of by a Single Member Bench of this
Tribunal by the judgement dated 6.11.97 with a direction
to the respondents in the OA to convene the Screen
Committee within 4 weeks from the date of receipt of a
copy of the judgement for screening the applicants for
absorption on lines on which others have been screened
during 1988-89. As regards other applicants who had

neither been screened nor absorbed a direction was given that they should be offered Casual jobs in any of the offices of the D.R.M., Allahabad if vacancies are available and there are no persons senior to the applicants in the Casual Labour Register competent for the same. The applicants in the OA later filed a Contempt Petition, being C.P.No.55/98. After hearing both the parties, by our order dated 2.2.99 we dismissed the Contempt Petition and discharged the notices on the ground that the directions of the Tribunal had been substantially complied with by the respondents and it was held by us that there was no case of wilful or deliberate disobedience of the Tribunal's judgments and that the respondents seemed to have taken the necessary steps regarding verification of the proof furnished by the applicants and on perusing the available departmental records they had found the certificate etc. to be not genuine.

2.   We further noticed that the respondents had constituted a Committee for verifying the certificates which were submitted by the applicants.

3.   The applicants in the OA have now filed this Review Application seeking review of the order dated 2.2.99 passed by us in the CP. We have carefully gone through the contents of the review application and find that the Review applicants have sought to take the same pleas which they had taken in the Contempt Petition and which we have already dealt with. The review applicants seem to rely on same observation made by us in our order dated 3.7.98 in the Contempt Petition, that in case the
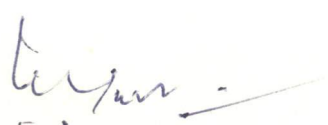
judgment was not fully implemented by 3.7.98 the D.R.M., Allahabad should personally be present before us. It, however, appears that on 2.7.98 i.e. one day prior to the date fixed for the appearance of the D.R.M. the respondents filed an affidavit wherein they claimed that the judgment has been fully complied with. From the aforesaid affidafit it transpired that none of the 9 petitioners had completed 337 days and they were accordingly not entitled to be screened and absorbed. The review applicants however, disputed the correctness of the facts mentioned in the affidavit. They had sought to rely on some documentry evidence which they had secured from the respondents.

4.   In this regard, it would suffice to say that we have specifically dealt with this aspect in para-5 of the order dated 2.2.99. According to the judgement itself it was left to the respondents to verify the claims made by the applicants. According to the respondents the claims of the applicants were not substantiated. In these circumstances, the review applicants cannot be allowed to raise the very same plea in the R.A.

5.   We are convinced that the review applicants have failed to make out any ground for exercising our powers of review. There is no error apparent on the face of the record nor any fresh evidence has been discovered by the applicants which was not available to them at the time of hearing.
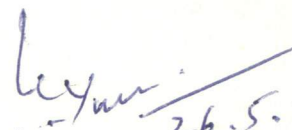
6.   In view of the above, this R.A. is dismissed, by circulation.

(S.P.BISWAS)   (T.N.BHAT)

Member (A)   Member (J)

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