

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

RA-179/99 in  
OA-2912/92

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New Delhi this the 17<sup>th</sup> day of December, 1999.

Hon'ble Sh. S.P. Biswas, Member(A)  
Hon'ble Sh. Kuldeep Singh, Member(J)

1. Union of India through  
Secretary to Govt. of India,  
(Ex. Officer),  
Ministry of Railway,  
Railway Board,  
Rail Bhawan,  
New Delhi-1.
2. The General Manager,  
Northern Railway,  
(Ex. Officio Chairman of the  
Board of Governors of Oak Grove  
School), Baroda House,  
New Delhi-1.
3. The Chief Personnel Officer,  
Northern Railway,  
(Ex. Officio Executive Governor  
of Oak Grove School),  
Baroda House,  
New Delhi-1.
4. The Principal,  
Oak Grove School,  
Jharipani, Mussorie,  
Distt. Dehradun(UP). .... Review Applicants

(through Mrs. Meera Chhibber, advocate)

versus

1. Sh. H. Jugal,  
S/o Sh. C.P. Jugal.
2. Sh. B.N. Khanna,  
S/o late Sh. N.N. Khanna.
3. Mrs. N. Siddiqui,  
W/o Sh. A. Siddiqui.
4. Sh. P.K. Bagehi.
5. Mrs. P. Zutshi.
6. Mrs. T. Zutshi.
7. Miss A. Sharma.
8. Mrs. S. Chandra.
9. Mrs. A. Srivastava.
10. Mrs. S. Dhaudiyal.

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11. Mrs. V. Juyal.
12. Miss Ra. Aggarwal.
13. Mr. Krishan Kumar.
14. Mr. S.P.A.Nagvi.
15. Mr. I.C. Pandey.
16. Mr. V.M. Van.
17. Mr. H.P. Bhatt.
18. Mr. S. Subramaniam

All C/o Sh. P.L. Mimroth, Advocate, CAT, PB, New Delhi.  
(None presnet) ..... Respondents in RA

ORDER

Hon'ble Sh. S.P. Biswas, Member(A)

This review application under Rule 17(1) of Central Administrative Tribunal (Procedure) Rules 1987 read with Section 22 of the Administrative Tribunals Act 1985 has been filed against the orders of this Tribunal dated 15.01.98 in OA-2912/92. The review applicants submit that there are certain factual errors apparent on the face of records inasmuch as the counsel who was formerly nominated for attending the case did not place the facts in the proper prospective. The particular portion of our order dated 15.01.98 against which an error has crept up relates to the portion of the order which mentions as hereunder:-

"According to which the summer vacations are from 3rd June to 5th July (about 33 days) and winter vacations are from 1st December to 31st January (62 days). The learned proxy counsel for the respondents also submitted that pattern is to continue without any interruption and as such no further grievance survives except the prayer (b)

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in the application which mentions that suitable compensation be paid to the applicant in lieu of the duties performed during the summer vacation."

2. The review applicants thereafter have had the opportunities of getting in touch with Respondent No.4 and has now come out with the correct dates for both summer and winter vacations. After taking into opinion of all the parents it was decided to have vacations in both summer as well as winter but with changes of periods. The change in the pattern of vacations took place after 1993. This O.A. was filed on 09.11.92 and was finally heard on 15.01.98. At this stage, it was the duty of the respondents counsel to straighten the facts. Moreover, applicants also did not give the correct position to this Tribunal although they were fully aware that the new pattern of vacations have been effected in 1993 after the O.A. was filed. The applicants had also availed the vacations as per the new pattern of 1993. On the one hand, the proxy counsel who appeared on behalf of the respondents made a wrong statement and on the other the applicants did not give the correct picture by suppressing the material facts. The review applicants have now brought out extensive detailed backgrounds for change in the new pattern of vacations. In the judgement, it is recorded as if the pattern of vacation would be from 3rd June to 5th July in summer and 1st December to 31st January in winter. This appears to be wrong and the correct period is from 2nd June to 23rd June for summer and


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1st December to 31st January in winter making a total of 84 days. Detailed reasons on the basis of which the new pattern of vacations have been made operative commands acceptance. Despite opportunities given twice, none appeared on behalf of the respondents.

4. In the background of aforesaid details, this Tribunal takes note of the changed situation and orders that no compensation need be paid to the applicants in lieu of the duties performed by the applicants during the summer vacation. Our order is thus recalled and the Review Application is allowed accordingly.

  
(Kuldip Singh)  
Member(J)

  
(S.P. Biswas)  
Member(A)

/vv/