

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

R.A.197/93 IN

O.A. No. 1686/92
T.A. No.

199

(3)

DATE OF DECISION 12.08.1993Shri Syed Mohd. Farooq

Petitioner

Shri P.L. Mimroth

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. J.P.SHARMA, MEMBER (J)

The Hon'ble Mr. S.GURUSANKARAN, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

This judgement was delivered by Hon'ble Mr.

J.P.Sharma, Member (J)

Original Application was filed Shri Syed Mohd Farooq on 1.7.1992 against the order of dismissal from service from 17th February, 1977. This application was decided by one of us (Hon'ble Shri S.P.Mukharjee, Vice-Chairman and Hon'ble Shri J.P.Sharma, Member (J)) by order dated 16.4.1993 and dismissed as barred by delay

and latches. Review application has been filed on the ground that there is an error of law on the face of the judgement. Under this heading what is referred to in the Review Application is that the applicant learnt about his removal from service from Shri Hazi Mohd. Usman only on 13th March, 1991. That cannot be said to be an error in a detailed judgement, where the point of delay is discussed in para 1 to 4. Grounds ii), iii) & iv) are only repetition of the arguments earlier advances, while deciding the original application. This argument cannot now re-open the case afresh as the substance of the case has also been referred to in the judgement.

2. In sub-para (b) of ground (iv) of the applicant referred to certain new facts, which he obtained while inspecting the record in the office of the Divisional Railway Manager, Central Railway, Jhansi. This letter goes to show that it has been delivered to the applicant on 2.2.1977 and there is a presumption also of service in due course unless it is proved otherwise. Even that will not make the matter covered by limitation. There is no error in the judgement. The legal issue has been fully discussed.

3. The review of the judgement lies on the ground laid down in order 47 rule/C.O.C. No such ground has been pressed or evident from the averments in the Review Application or during the course of hearing. The Review application is, therefore, dismissed after hearing.

S. PRUSANKARAN
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MEMBER (A)

J. P. SHARMA
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MEMBER (S)