

21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
* * *

Date of Decision : 19.10.92

RA 322/92 in OA 707/92

Shri Manish Kumar Malik & Anr. Vs. Union of India & Ors.

ORDER

The applicants have filed this Review Application against the judgement dtp 10.9.1992 by which the OA was partly allowed, but the relief claimed for regularisation of the quarter was not granted. In this RA it is stated that there is apparent error on the judgement. On the scrutiny of the record, it appears that there is no error apparent on the face of the judgement. The employee died on 16.1.1988 and what the applicant No.2 has stated in her first representation for compassionate appointment is that the name of minor son may be enlisted for appointment on compassionate ground. The son was not major at that time. The Railway Board's circular referred to and quoted in the judgement itself goes to show that if on account of administrative lapse, the compassionate appointment is not made within twelve months, then out of turn allotment cannot be made unless there are administrative lapses. In the present case, there was no administrative lapse as has been discussed elaborately in the body of the judgement. The applicant cannot get advantage of a subsequent representation which she has made after the son has attained majority. If this preposition of law is accepted, then there will be absurd results for out of turn allotment and that has been discussed in the body of the judgement. Thus there is no error apparent on the face of the judgement.

...2....

Along with the Review Application, the applicants have also filed instructions of the Railway Board in regard to relaxation of age and filed a photostat copy of p-88 of Guide to Railway Manual on Establishment Rules. It goes to show that relaxation of age can also be given on the lower side, but it was not the case of applicant No.2 when she applied for compassionate appointment of applicant No.1 in 1988 and what she stated that the name of the ward may be listed for compassionate appointment. The applicant cannot get any advantage out of that.

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".

le ...3....

22

-3-

The applicants could not make out any ground for interference in the judgement under review. The Review Application is, therefore, dismissed.

Signature.
(J.P. SHARMA)
MEMBER (J) 19.10.92