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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. 344/92 in O.A.88/92

Date of decision

16.4.93

Surinder Kumar and another .. Review applicants

Vs.

Union of India and others .. Respondents

Mr.B.S.Mainee .. Counsel for applicant

Mr.RL Dhawan .. Counsel for respondents

COURT

Hon'ble Mr.S.P.Mukerji, Vice Chairman
and

Hon'ble Mr. J.P. Sharma, Member (J)

O R D E R
(Hon'ble Mr.S.P.Mukerji, VC)

In this Review Application, the Review Applicants have not pointed out any error apparent on the face of record but have contended that on the basis of certain factual information, which they could not advance at the time of filing of the Original Application and discovery of a judgment of the Tribunal, which would have helped them, the judgment dated 18.9.92 to which one of us (SP Mukerji) was a party in O.A.88/92 should be recalled.

2. Relying upon the clarificatory orders of the Railway Board dated 3.2.85 and 15.3.91 as also the judgment of the Principal Bench of the Tribunal dated 26.8.91 in O.A.724/91, this Tribunal in the judgment dated 18.9.92 came to the conclusion that a casual labour even with temporary status though entitled to allotment of Railway quarters in his turn is not eligible to get out of turn allotment of the Railway

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quarters, which had been allotted to regular employees of whom the casual employees are wards on the retirement or death of the regular Railway employee. The Review Applicants' case is that in a number of cases of casual employees with temporary status the out of turn allotment in violation of the Railway Board's instructions and clarifications have been given. The judgment of the Tribunal dated 20.5.92 in O.A. 542/92 has also been invoked for review of the judgment dated 18.9.92.

3. We are not persuaded to review the aforesaid judgment. The mere fact that certain violations of Railway Board's Clarificatory instructions have been made does not entitle the Review Applicants to claim similar violations in their favour. In any case that cannot be a ground for review. Further, the judgment of the Tribunal dated 20.5.92 in O.A.542/92 has not discussed or dealt with the Railway Board's order dated 15.3.91 in which casual employees with temporary status have not been made entitled to the benefits of out of turn allotment of Railway quarters. That judgment therefore, cannot be a ground for review of the order dated 18.9.92.

4. In the above light, we see no force in the Review Application, which is rejected.

J.P.Sharma
(J.P.Sharma)
Member (J)

S.P.Mukerji
(S.P.Mukerji)
Vice Chairman