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BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED: THIS THE 16 DAY OF MAY 1997

Coram: Hon'ble Mr. S. Das Gupta AM  
Hon'ble Mr. T. L. Verma JM

REVIEW APPLICATION NO. 55/96. IN O.A. No.1499/93

Bhagwat Prasad & another - - - - - Applicants

C/A Sri Satish Dwevedi

Versus

Union of India & others - - - - - Respondents

ORDER

By Hon'ble Mr. S. Das Gupta AM

This application has been filed seeking review of judgment and order dated 27.2.1996 by which O.A. No.1499/93 was dismissed.

2. The aforesaid O.A. was filed jointly by two applicants seeking direction to the respondents to re-engage the applicants after entering their names in the Live casual labour register and to regularise their services in accordance with the law in order of seniority. The O.A. was dismissed after considering the rival pleadings of the parties.

3. In the instant review application, certain facts which were already given in the O.A. have been traversed again and it has been contended that non-consideration of certain working certain working certificates annexed to the O.A. indicating number of days worked by the applicants without any indication that they had worked earlier in Allahabad division is

an error apparent on the face of the record. A stand has also been taken that the services of the applicant's could not have been disengaged without going through the proceedings envisaged in the railway servants Discipline and Appeal rules.

4. We have carefully considered various submissions made in the review application. It is settled position of law that an order already passed can be reviewed only if it is shown that it suffers from any error apparent on the face of record ~~and~~ or new fact <sup>new</sup> ~~which~~ is <sup>now</sup> brought out <sup>which</sup> could not be brought out earlier despite exercising due diligence, warranting review of the order already passed.

5. From the submissions made, we are not convinced that the applicants have succeeded in showing that the impugned judgment and order suffers from any error apparent on the face of record. Applicants have also not brought out any new fact which would warrant review of the order already passed. In case applicants are of the view that order passed is erroneous on merit, proper course of action ~~now~~ to file ~~an~~ an appeal before an appropriate legal forum.

6. Review application has no merit and the same is accordingly dismissed.

*J. Kumar* *W. S.*  
MEMBER (J) MEMBER (A)