CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 29th day of August 2002.
Review Application No. 81 of 2001.
in
Original Application No. 1720 of 1994.

QUORUM:- HON. MR. S. DAYAL, A.M.

HON. MR. A.K.BHATNAGAR, J.M.

Smt. Geeta Devi, W/O Shri Bhola

Nath Rai, Resident of Block No. L-6,

Qr. No.E, Lalit Nagar, Railway Colony,

Allahabad......   ....Applicant.

Counsel for the applicant: Shri S.S.Shrma.

VERSUS

1.   Union of India, through General Manager,

      Northern Rail ay, Rail Bhawan, Baroda

      House, New Delhi.

2.   Divisional Railway Manager, Northern Rly.,

      Allahabad.

3.   Senior Personnel Officer, Northern Rly.,

      Allahabad.

4.   Senior Divisional Commercial Superintendent,

      Northern Railway, Allahabad.

5.   Station Superintendent, Northern Railway,

      Allahabad.......   ....Respondents.

Counsel for the respondents: Shri A.K.Gaur.

ORDER

BY HON. MR. S. DAYAL, A.M.

      Review pttitions 81/01 and 82/01 have been heard

together because the issues are the same and both arise

from the same order.

2.   The order dated 22/5/01 has been challenged by

this review petition which has been filed on 18/9/01.

There is a delay condonation application No. 4174/01

review application No.82/01. It has been mentioned in the application that the applicant came to know about the judgement in the second week of August 2001. Counsel for the applicant was authorised to obtain a copy of the judgement which was avail to the applicant on 20/8/01. Thus, the delay has been on account of non-communication of the order by the erstwh erstwhile counsel for the applicant and in sending a copy of the order by the present counsel. Counsel for Res. objects to the prayer for condonation of delay on the ground that there is no proof of earlier counsel not having communicated the judgement to the applicant. Since there is an adverse effect on the prospects of the applicant as alleged in the review petition, we consider it appropriate to condone delay in this case and consider the review petition on merit.
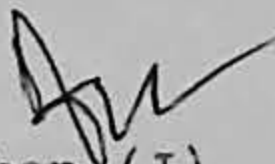
3.   Counsel for the applicant has contended that the applicant had been working for a long period as typist and had been appointed as typist. The prayer made by the counsel for the applicant for direction to the respondents to consider the cases of the applicants in lying that the regularisation to the OA No.1501/94 was inadvertant and was not authorised by the applicants. Therefore, the orders should be recalled so that the applicant's interest could be safeguarded by re-hearing of the case. He has, in this connection, relied upon the judgement of HON. Supreme Court in Central counsel for Research in Ayurveda and Siddha and another (2001) 5 SSC 60 in which it has been held that if counsel made and admission or concession inadvertantly or under the mistaken impression of law, it would not be binding on his client. He has also cited the judgement of Hon'ble Supreme Court in Uptron India Ltd. Vs Shammi Bhan and another 1998 SCC L&S 1601 in which it has been held that the wrong concession made by counsel on a question of law is not binding on the client.
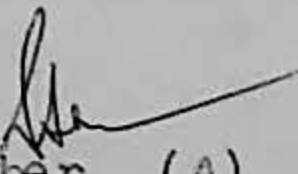
4.   Counsel for the Res. contests the claim or counsel
.or respondents that these cases should be reviewed under the
authorities cited on the grouhd that only a concession made
on the question of law would entitle an applicant to claim
the benifit of the ratio. oi the decisions oi Hon'ble Supreme
Court.

5.   Counsel for the applicant, on the other hand, has drawn
attention to the judgement to the effect that an admission
or concession made inadvertantly or under mistaken impression of
law was not binding on the client. The facts of the cases
decided by Hon'ble Supreme Court for which law has been derived
show that there as a wrong concession with regard to the law
as prevalent.

6.   We have considered the submissions of counsels. We
find that the prayer of counsel for the applicant in both
the cases was in the interest of the applicant. Under the
circumstances, we dismiss the revie. petitions.
No order as to costs.

Member (J)   Member (A)

madhu/