

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Review Application 82 of 2001  
in

Original Application No. 1721 of 1994

this the 29th day of August, 2002.

Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. A.K.Bhatnagar, Member (J)

Ganesh Pratap Singh, son of Late  
Surya Pratap Singh, Resident of  
560-A, 3 Revenue, Smith Road,  
Railway Colony, Allahabad

.....Applicant.

By Advocate :S. S. Sharma.

V E R S U S

1. Union of India, through General Manager  
Northern Railway, Rail Bhawan, Borada  
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

By Advocate :Shri A.K. Gaur.

O R D E R

By Hon'ble Mr. S. Dayal, Member (A)

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

11

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 in the review No. 81/01 and M.A for delay condonation No. 4176/01 in 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 available to the applicant on 20/8/01. Thus, the delay has been on account of non-communication of the order by the 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.

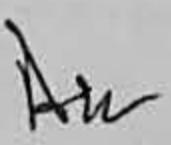
3. Counsel for the applicant has contended that the applicant had been working for a long period as typist and had been appointed as typist. The prayer made by the counsel for the applicant for direction to the respondents to consider the cases of the applicants in ~~viewing~~ that ~~the~~ <sup>line with</sup> <sub>of</sub> <sup>in</sup> <sub>the</sub> regularisation ~~of~~ <sup>in</sup> 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 conn-

connection, relied upon the judgement of Hon'ble Supreme Court in Central counsel for Research in Ayurveda and Siddha and another (2001) 5 SCC 60 in which it has been held that if counsel made and admission or concession inadvertently 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.

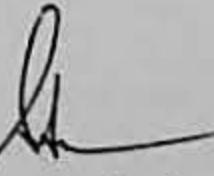
4. Counsel for the Res. contests the claim for counsel for respondents that these cases should be reviewed under the authorities cited on the ground that only a concession made on the question of law would entitle an applicant to claim the benefit of the ratio of the decisions of Hon'ble Supreme Court.

5. Counsel for the applicant, on the other hand, has drawn attention to the judgement to the effect that an admission or concession made inadvertently 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 was 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 <sup>before us</sup> was in the interest of the applicant. Under the circumstances, we dismiss the review petitions. No order as to costs.

  
Member (J)

madhu

  
Member (A)