

Central Administrative Tribunal, Allahabad.

Registration Review Application No. 115 of 1987

D.R.M.Central Railway, Jhansi ... Applicant

Vs.

Rakesh Narain Saxena ... Respondent

Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

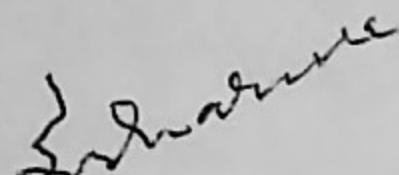
(By Hon.G.S.Sharma, JM)

This Review Application is directed against our order dated 2.6.1988 rejecting Misc. Application No.58 of 1987 of the Applicant moved for setting aside the ex-parte order dated 7.5.1987 in O.A.no.119 of 1987. In that order, after considering the sequence of the events taking place in the case it was held that the cause shown for setting aside the ex parte order was not only insufficient but was incorrect and there was no good ground to condone the delay in moving the Application. It was also observed that the allegations made in the Misc.Application were not supported by any affidavit. In the Review Petition, the learned counsel appearing for the Applicant has filed his own affidavit in support of the facts stated in the Misc. Application No.58 of 1987 and it is alleged that in the earlier Application, the affidavit was not filed under the bona-fide belief that the relevant facts could be ascertained or verified from the record itself. The same grounds which were taken for setting aside the ex parte order, have been further repeated in the Review Petition.

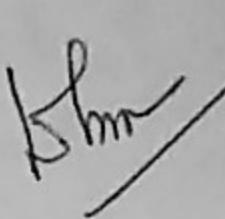
2. We have very carefully examined the facts stated in the Review Petition and have also gone through the materials on record. The order sought to be reviewed was passed after due consideration and verification

of the relevant facts and it is not a fact that the order under review was passed only because there was no affidavit. It was only one of the reasons for not setting aside the ex parte order. In our opinion, no good ground has been made out for accepting the affidavit by way of an additional evidence in this review petition. The facts stated in the Review Petition having already been duly considered, we find no justification for granting the Review Petition.

3. The Review Application is accordingly dismissed.


MEMBER (J)

Dated: July 4, 1989
kkb


MEMBER (A)