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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

AUGUST 4, 1989

Registration T.A. No. 176 of 1987

Bharat Lal and others Applicants
Vs.
Union of India and ors ... Opp. Ps.

Hon' Mr. K.J. Raman, A.M.

Hon' Mr. D.K. Agrawal, J.M.

(By Hon' Mr. D.K. Agrawal, J.M.)

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The above application was registered under the provisions of section 29 of the Administrative Tribunals' Act No. XIII of 1985, consequent to the transfer of Misc. Case No. 397 of 1985, Bharat Lal and others Vs. Union of India and others from the Court of Munsif (West) Allahabad.

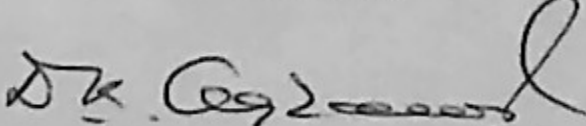
2. The facts are that suit No. 383 of 1982 was filed by Bharat Lal and eight others for a declaration that their removal from the post of Khaleasis in the northern Railway at Allahabad was illegal and without jurisdiction. The suit was dismissed on merits by judgment and decree dated 31-10-1983. A review application was filed on 15-11-1983. It was also dismissed for want of prosecution on 5-10-1985. Thereafter, the present restoration application was filed on 6-11-1985 which was registered as Miscellaneous Case No. 397 of 1985.

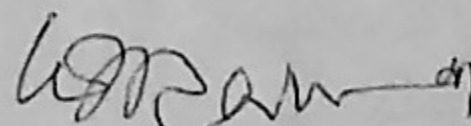
3. There is no specific provision for restoration of an application for review. It appears that the restoration application was made under section 151 CPC.

D.K. Agrawal

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The restoration application bears date as 5-10-1985, but, it was filed on 6-11-1985. The application for restoration was not accompanied by an affidavit. The affidavit was filed only on 28-1-1987. We are of the opinion that the restoration application and the affidavit have been filed with inordinate delay. It would also appear that the contention of the applicants seems to be that the learned Munsif erred in arriving at a finding, which resulted in the dismissal of the suit. If so, the proper course for the applicants was to file an appeal. The review of the judgment is not permissible on the ground that the court erred on a point of law or fact. The review of the judgment is permissible only on the ground of an apparent error on the face of the record which can be corrected without elaborate arguments. The question involved in the suit was to the effect whether the applicants had or had not acquired the status of temporary employees. If, there was an error in arriving at a finding in respect thereof, the same cannot be corrected by means of a review application. In the circumstances, we are of the opinion that no interference is called for. The restoration application is accordingly dismissed with no order as to costs.


MEMBER (J) 4. 8. 89


MEMBER (A)

(sns)

August 4, 1989
Allahabad.