

BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD

Dated: Allahabad this...^{26th}...day of...^{March}... 1996

REVIEW APPLICATION NO. 114 OF 1995

IN

ORIGINAL APPLICATION NO. 1167 OF 1972

Hon'ble Mr T.L.Verma, Judicial Member

Hon'ble Mr S.Dayal, Administrative Member

1. Union of India through its Divisional
Railway Manager (P), Central Railway,
Jhansi
2. The Chief Personnel Officer (Electrical)
Central Railway, Bombay V.T. -Respondents/
Applicants

Versus

1. Abdul Hamid s/o Sri Kadir Bux
r/o 168, Railganj Kholi, No.9,
Jhansi
2. Syed Ahmad r/o Railway Colony,
District Banda
2. Sri Ram Swaroop Chudoo
All are working as Electricians Mistry / Semi
Supervisor under the Sr Div. Electrical
Engineer, Jhansi - Applicants O.Ps.

Counsel

ORDER

Hon'ble Mr S.Dayal, Member - A.

This review application is filed in O.A.No.1167
of 1972. The ground on which the respondents in O.A.
No.1167 have come to the Tribunal for review is that
vital document which they have submitted to their
counsel for annexing with the counter affidavit -2

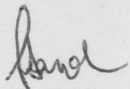
could not be attached by the counsel due to mistake.

It is claimed that if this circular dated 30.6.88 is not taken into consideration, serious injustice to Respondents in that O.A. would be caused.

2. We do not find any validity in the claim of the applicant that instant case is fit case for review, merely because the learned counsel for the respondents in O.A. No.1167 of 1992 did not attach circular dated 30.6.88.

3. The electricians have been held to be mistries in O.A. No.327 / 89 between Vishnu Narhar Gorha and Divisional Railway Manager and another delivered on 15.6.92 by Bombay Bench of the Central Administrative Tribunal, ~~a judgment cited in O.A. No.973 of 1991 which was also heard along with this application and on which a separate decision has been given.~~ Even if the circular dated 30-6-88 which is sought to be brought to the attention at this stage were to be taken into consideration the judgement would still have remained unaltered. The applicant himself has mentioned in the Review Petition that the filing of this Circular would not change the factual or legal position of the case. But this circular cannot be taken into consideration at this stage because the court has become functus officio after delivering the judgement and review on the ground mentioned is not permissible.

4. In view of the above the review application is found to lack merit and is dismissed. Request of the applicants in this review application for hearing in open court is considered not necessary and is, therefore, rejected.


MEMBER - A


MEMBER - J

RJ