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THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Review Application No.1475/1993
in
Original Application No.803/1993

Union of India and others ... Applicants
Vs
S M Shukla ... Respondent
-:-:-

HON'BLE MR MAHARAJDIN, MEMBER(J)
HON'BLE MEMBER V K SETH, MEMBER(A)

(by Hon'ble Mr Maharajdin, Member-Judicial)

The instant review application has been preferred by the respondents Union of India and others under Rule 17(III) Central Administrative Tribunal (Procedure) Rules 1987 seeking review of the judgment dated 21-05-93 in Original Application No.803 of 1993.

Shri S M Shukla applicant in Original Application application No.803/1993 moved under Section 19 of the Administrative Tribunal Act 1985 seeking the relief to issue direction to the respondents to release the promotion of the applicant in the higher grade as a Conductor and arrears of pay during the suspension period and payment of bonus etc also ordered to be paid.

The applicant was appointed as T.T.E. in Central Rly Jhansi. He was involved in a D.A.R. case. In the original application he has stated that he was exonerated in the D.A.R. case and produced Annexure A-6 dated 05-01-93 to this effect in the review petition. It is said that the applicant S M Shukla managed to obtain Annexure A-6 which is a fictitious and fraudulent document. In the review petition it is said that on the basis of D.A.R. proceedings drawn against the applicant he was removed

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from service vide order dated 24-05-93. The order directing the respondents to dispose of the representation of the applicant was passed on 21-05-93, as such the removal order dated 24-05-93 as stated in the review petition was not in existence and this was a subsequent development after the proceedings drawn in the Original Application. The original application was disposed off at the admission stage on the request of the applicant himself and if the said order by the Tribunal has been obtained by suppressing any material fact, the same can be replied while disposing of the representation of the applicant. The simple direction on the request of the applicant was issued to the respondents that his representation be disposed off and no other relief has been granted to him. If the services of the applicant are terminated, the representation may be disposed off with such observations.

As provided by ~~Section~~ Rule 17(III) of the Central Administrative Tribunal (Procedure) Rules 1987 the Tribunal possesses the same powers of review as are vested in a civil court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgment/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
 - (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgment was made, despite due diligence; or
 - (iii) for any other sufficient reason, construed to mean "analogous reason".
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Considering these facts we are of the view that the order passed by this Tribunal does not suffer from an error apparent on the face of the record. The order by this Tribunal is also not liable to be reviewed on the ground that the applicant was removed from service subsequent to the pronouncement of the judgment.

The review petition is, therefore, disposed off with these observations.

MEMBER (A)

MEMBER (J)

Dated: Allahabad, ^{9th Dec} November, 1993.
(VKS PS)
