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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Review Application No. 117 of 1995

In

Original Application No. 1255 of 1993

THIS THE 11TH DAY OF JANUARY, 1996

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER (A)

Arvind Prakash Tiwari, S/o Sri Hari  
Kishore Tiwari, R/o village Rasulpur,  
Post Ram Nagar Bhojpur, district Pratapgarh

.... Applicant

Versus

1. The Union of India, through the  
General Manager, Board, Northern Railway  
New Delhi
2. Divisional Railway Manager, Allahabad
3. Divisional Operating Superintendent  
Divisional Railway Manager's Office,  
Northern Railway, Allahabad.

.... Respondents

ORDER

JUSTICE B.C. SAKSENA, V.C.

We have gone through the review petition. It is directed against a judgment passed on 23.3.95. The review application has been filed on 8.11.95 and copy of the said order as indicated in the affidavit for condonation of delay was made available to the learned counsel in the first week of April 1995. No provision of law has been shown whereby the period of limitation of one month prescribed under Rule 17 of the Procedure Rules for filing of a review can be condoned. Section 5 of the Limitation Act clearly will not

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apply. The Administrative Tribunal's Act and the Procedure Rules are self contained. Even otherwise the explanation is wholly unsatisfactory. The review therefore deserves to be dismissed on the ground of having been filed beyond prescribed limitation.

2. Even on merits there is no case. In the counter affidavit filed in the O.A the respondent's case themselves was that the applicant had put in 162 days of working and his name finds place in the Live Casual Labour Register. That being so, the allegation made in para 20 of the affidavit that the engagement of the petitioner is doubtful is wholly baseless. Perhaps neither the learned counsel for the respondents who filed the review nor the Asstt. Operating Manager in the office of the DRM, Allahabad who has sworn the affidavit has appreciated the true purport of the order passed by us. By providing that the applicant will be re-engaged in preference to the casual labours whose names occur below the serial number of the applicant in the said Live Casual Labour Register, it was intended that as and when such persons junior according to the serial number indicated in the Casual Labour Register are given appointment, preference will be given to the applicant and he will be re-engaged. The misconception in the mind of the applicants has been highlighted since in para 8 of the affidavit it has been indicated that "senior persons of the same list are waiting for engagement. Our direction was for preference being given against persons lower in the said list. The review application is wholly misconceived and indicates

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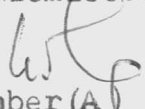
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the casual manner in which public ex-chequer is burdened besides wasting time of the Tribunal by frivolous petitions. The officer concerned may be required to bear the expenditure for the review petition. The review petition is accordingly dismissed.

  
Member (A)

  
Vice Chairman

Dated: 11th January, 1996

Uv.