

CENTRAL ADMINISTRATIVE TRIBUNAL, Allahabad Bench

Allahabad: Dated this the 12th day of August, 1996

Single Member : Hon'ble Mr. S. Das Gupta A.M.

Review application no. 130 of 1995

IN

ORIGINAL APPLICATION NO. 516 OF 1995

Hari Chand and others - - - - - Applicants

C/A Sri M.A. Siddiqui

VERSUS

Union of India and others - - - - - Respondents

ORDER

By Hon'ble Mr. S. Das Gupta A.M.

This application seek review of the judgement and order dated 20.10.1995 by which the O.A. no. 516/95 was dismissed.

2. The aforesaid O.A. was filed jointly by the applicants, challenging the order by which they were repatriated to the open line from the Construction division in which they were working. The Tribunal accepted the contention of the respondents that this transfer became necessary as the sanctioned work in the Construction Divn. had already come to the stage of completion and there was no work available for the applicants at Mathura/Agra. The transfer was thus made only

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with a view to avoid retrenchment of the applicants and in the exigencies of service. Pleadings of the applicants that several other persons who started working in the Construction division later than the applicants had been retained, while the applicants were repatriated, was also rejected, in view of the specific averments of the respondents that 47 out of 50 group 'D' employees in the Project stood transferred to the Open line.

3. The first ground taken by the applicants in the review application is that the order dated 20.10.1995 suffers from errors on the face of the record as it has been mentioned therein that the applicant no.1 was initially recruited in the Construction division as casual labour on 18.5.1975 and acquired temporary status on 1.1.84 whereas it was stated in the O.A. that the date of initial recruitment of the applicant no. 1 was 28.5.1979 and he acquired temporary status on 1.1.1984. I have seen the application in the O.A.. It appears that in the aforesaid order dated 20.10.1995, dates have been wrongly mentioned as a result of typographical error. These dates have, however, no relevance, what-so-ever, to the controversy and has no role to play in the final decision on merit. This error, therefore, does not in any way vitiate the outcome in the order dated 20.10.1995.

4. The other ground mainly relates to the pleadings of the applicants that several

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persons, who joined later than them in the Construction division are still working. It has been contended that the respondents have misguided the Tribunal, while stating that 47 out of 50 group 'D' employees have already been transferred. This point cannot be adjudicated in a review application, which has a very limited ambit. If the respondents deliberately made incorrect statement in their pleadings, they would be liable to be proceeded against in proper proceedings in case the allegation of mis-representation is found to have been established.

5. It is well settled that the scope of review application is very limited. A review does not encompass a re-appraisal of the ^{allegations} ~~application~~ in various pleadings, nor can any fresh ground which was not taken in the Original application can be considered, in a review application. An order already passed can be reviewed only if it suffers from any errors apparent on the face of the record or if any fresh facts are brought out, which could not be brought before the Tribunal at the time of hearing despite due diligence or any other analogous reason. I ^{may} ~~am~~ now examine the various points raised by the applicants in the light of settled principle of law with regard to the scope of a review application.

6. In this review application, the error which has been pointed out is merely a typographical error and as it does not in any way influence the final outcome, it can not be taken as an error, which would necessitate recall of the order dated 20.10.1995.

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The applicants have also not brought out any new facts which would warrant a review of the order. The contention regarding the persons, who have been retained even after order of transfer was issued, is an allegation as regards to the bonafide of the statement of the respondents in the C.A. As already pointed out, while this could be the basis for proceeding against the respondents, it cannot be a valid ground for recalling the order dated 20.10.1995.

7. In view of the foregoing, I find no merit in the review application and the same is dismissed.


MEMBER (A)

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