

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Dated: Allahabad, the 18th day of July, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

REVIEW APPLICATION No. 78 OF 2000

On behalf of

Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi & others.
(By Advocate: Sri P. Mat)

(By Advocate: Sri P. Mathur) Applicants- Respondents

Versus

1. Shri Shatru s/o Shri Sahdeo
2. Shri Uma Shanker
s/o Shri Khanan Ram.
3. Shri Chhannu Ram,
s/o Shri Ram Nandan.

... Respondents-Applicants

ARISING OUT OF

ORIGINAL APPLICATION NO. 1275 OF 1992

Versus

Union of India and others Respondents

(District - VARANASI)

ORDER

(By Hon'ble Mr. S. Dayal, AM)

This application for review of order dated 24-7-2000, passed in OA No.1275 of 1992, has been considered by us under Rule 17(3) of Central Administrative Tribunals Rules of Procedure, 1987, by circulation.

Contd. .2

2. We find that this Review Petition has mainly been filed because Railway Board's circulars issued under printed serial numbers 9349, 11291 and 11374 could not be placed before the Bench, when the order was passed. These circulars presumably relate to the issue of maintenance of Live Casual Register. Only printed circular No.9349 is available and relates to Live Casual Labour Register. However, it is presumed that these circulars also relate to the issue of Live Casual Labour Register and regularisation of casual labour. It is strange that the applicants in this Review Application have mentioned only printed circular numbers without giving no. and date of circulars issued.

3. We find from our order dated 24.7.2000 in the O.A. that the respondents themselves had sought particulars of the applicants. Therefore, information regarding the applicants' previous employment with the respondents in the O.A. was available in some form to them. It also suggests that the names of the applicants should have been included in the Live Register for casual labour.

4. Once an order has been passed by Division Bench of a Tribunal after considering the merits of the case, it is not open to any party to add to the facts brought on record, except by filing a Review Application, which is entertainable only for consideration of limited issues. The first of these is discovery of new and important matter or evidence,

which after exercise of due diligence was not within the knowledge and could not be produced by him at the time when the decree was passed or order made. The second is some mistake or error apparent on the face of record and the third for any other sufficient reason.

5. The contention that the printed circulars could not be placed before the Bench at the time the order was passed does not fall in any of these categories. The applicants, in review, who were Respondents in the O.A. cannot claim that these printed circulars belong to the category ~~and of~~ new and important matter discovered by them or it was not within their knowledge or could not be produced by them at the time when the order was passed.

6. This would also not come in the category of any other sufficient reason, because such a reason has to be of the nature of discovery of new fact or error apparent on the face of record.

7. This Bench becomes functus officio after passing an order on merit. The review jurisdiction permits the Bench to consider the matter only for the limited purpose mentioned in the previous paragraphs. We, therefore, find no merit in the Review Application and the same is dismissed.


(RAFIQ UDDIN)
JUDICIAL MEMBER


(S. DAYAL)
MEMBER (A)