

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Petition No. 83 of 2000

In

Original Application No.1553/93

Allahabad this the 20th day of February 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

Parmanand, aged about 32 years, Son of Shri Laxman
R/o Rly.QR. R.B.I. 6619, Rani Laxmi Nagar, Jhansi.

Applicant

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager Crey
Mumbai.
2. Divisional Railway Manager, Crey Jhansi.

Respondents

By Advocate

O R D E R (BY CIRCULATION)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Parmanand has filed this review application in O.A.No.1553/93 decided by the Bench consisting of myself and learned brother Mr.M.P.Singh on 28.8.2000. This O.A.was dismissed on the ground of being barred by period of limitation with the observation as under;

"It is not in dispute that the applicant did not work with the respondents from September, 1987. As per applicant's case, he was not allowed to work whereas the respondents pleaded that the applicant neither reported for duty

nor^e replied the show-cause notice. Whatever the position may be, if the applicant had any grievance, it accrued in September, 1987 and this O.A. has been filed after six years in the year of 1993 and thereby grossly barred by period of limitation."

2. The applicant has preferred a Writ Petition No.43246 of 2000 before the Hon'ble High Court and there he challenged the correctness of the statement of the fact as reproduced above. The Hon'ble High Court opined that the remedy, if any, was available to the applicant, was to approach the Tribunal by way of review application in case the statement of fact in para-4 of the order is incorrect.

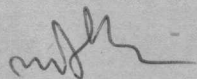
3. Under the above circumstances, this review remains confined regarding statement of fact as in para-4 of the impugned judgment and re-produced above. ^{Considered} ~~Considering~~ the facts and circumstances of the case and the pleadings as have come up from either side, The respondents have averred in para-7 of the counter-reply filed in O.A.No.1553/93 as under;

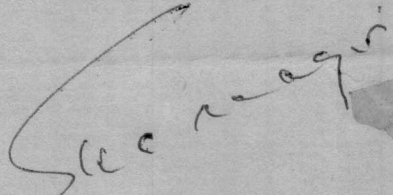
"that the contents of para-4.4 of the application are absolutely incorrect and denied. Since 16.09.87 the applicant has not reported for duty to anyone so his name was put off from the roll of railways."

4. In reply to ^{above,} ~~para-7~~ the applicant mentioned in para-7 of the rejoinder that it was a false statement that he did not report for duty since 16.9.87 but, has not mentioned that if he actually

worked there or not, whereas his case is that when he reported on duty, he was not allowed to work.

5. With the above position in view, it is quite evident that the statement of fact as narrated in para.4 of the impugned judgment is very much in accordance with the pleadings and submissions made on behalf of the contesting parties and, therefore, needs no interference or alteration by way of review. The review petition deserves to be dismissed and is dismissed accordingly.


Member (A)


Member (J)

/M.M./