

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD EBENCH  
ALLAHABAD

Review Application No. 97 of 2002  
in  
Original Application No. 639 of 1995

Allahabad, this the 21st day of May, 2003

QUORUM : HON.MR.JUSTICE R.R.K.TRIVEDI, VICE-CHAIRMAN  
HON.MAJ.GEN. K.K.SRIVASTAVA, MEMBER - A

Union of India & Others.

..... Applicants/

(By Advocate : Shri D.C.Saxena)

Versus  
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1. M.A.Ansari, Draftsman, D.R.M.Office,  
Northern Railway, Allahabad.
2. V.K.Gehlot, Draftsman, Under Divisional Railway  
Manager, Northern Railway, Allahabad.
3. Ravindra Kumar, Draftsman, Divisional Railway Manager,  
Northern Railway, Allahabad.

..... Respondents/

(By Advocate : Shri S.Agrawal)

O R D E R (Oral)

BY HON. MR. JUSTICE R.R.K.TRIVEDI, VICE-CHAIRMAN

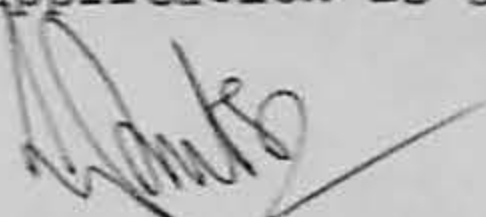
By this application the applicants have sought for review of the order dated 09.09.02 passed in O.A. 639 of 1995. The grounds on which the review of the order has been sought is that applicant no. 1 V.S.Kushwaha had already died on 15.11.01 i.e. during the pendency of the O.A. and as he had died this order could not be passed. It is submitted that it is discovery of new and important matter or evidence which after exercise of due diligence was not within the knowledge and could not be placed before the Tribunal when the order was passed.




2. We do not find that this fact can be termed as a discovery of new and important matter or evidence.

Phrase used appears to be about the material discovered subsequently touching <sup>of</sup> merit of the case. <sup>Death</sup> ~~both~~ of the party has nothing to do with merit of the case which has already been decided by the court and in ignorance of <sup>of</sup> ~~the~~ death, and none of the parties informed the court.

3. In our opinion review of the order cannot be done on this ground. However, considering the facts <sup>of</sup> that one of the applicant out of four had died during the pendency of this case, <sup>of</sup> ~~this~~ application is disposed of with the liberty to the respondents/applicants to take into account this fact and implement the order of this Tribunal taking its effect on the implementation of the order. The review application is accordingly disposed of.

  
Member - A

  
Vice-Chairman

Brijesh/