

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

R.A.No.07/1999 in

**O.A.NO.** 396/91~~**P.A.NO.**~~DATE OF DECISION 25.3.1999Union of India & others

Petitioner

Mr. N.S. Shevde

Advocate for the Petitioner [s]

Versus

Parshottam Chhagan

Respondent

--

Advocate for the Respondent [s]

## CORAM

The Hon'ble Mr.

V. Ramakrishnan, Vice Chairman

The Hon'ble Mr.

Laxman Jha, Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

1. Union of India  
Notice to be served through  
Divisional Railway Manager  
Western Railway  
Kothi Compound  
Rajkot.

2. Asstt. Engineer  
Western Railway  
Kothi Compound  
Rajkot.

3. Inspector of Works  
Western Railway  
Hapa.

Applicants  
(Original  
Respondents)

Advocate-  
Mr. N.S. Shevde

Versus

Parshottam Chhagan  
C/o. Magan Jivraj (Valveman)  
Hapa Rly. Colony  
Quarter No. A/B 175,  
Hapa, Post Dhuvav  
Dist. Jamnagar

Opponent  
(Original  
Applicant)

REVIEW ORDER

IN

R.A. NO.07/1999  
in  
O.A. No.396/91

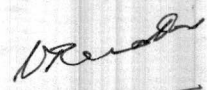
Dated 25.3.1999

Per Hon'ble Mr. V. Ramakrishnan, Vice Chairman:  
MA/193/99 may be allowed.

I have seen RA/07/1999 which seeks review of  
our orders in OA/396/91 dated 3.8.98. The Review  
Applicant seeks reconsideration of the award of back-  
wages for the period from 17.7.91 which is the date  
of the order of the Tribunal in the case of one  
Mahesh Devji till 13.11.91 which is the date on which  
the original applicant was taken back in service as a

Khalasi. The Railways now contend that<sup>as</sup> the original applicant had not worked during the relevant period, he should not have been given back wages on the principle of no work no pay. It is the stand of the review applicant that original applicant had remained absent from 21st June 1991 to 13.11.1991 on his own. Mr. Pathak for the original applicant had contended that he had reported for duty but was not allowed to perform such duties as Khalasi by the Railways. After considering all aspects, the Tribunal came to the finding that the original applicant had reported for duty but was not allowed to work as a Khalasi and accordingly he was held entitled to back wages from 17.7.91 which is the date of the decision in the case of one Mahesh Devji who was similarly situated as the original applicant. The present contention raised by the review applicant had already been taken into account by the Tribunal while rendering its orders. There is therefore no error apparent on the face of the record. The Review Application is<sup>to be</sup> rejected.

As the O.A. was disposed of by a Bench consisting of myself and Hon'ble Mr. Laxman Jha who has since been transferred to Patna Bench, the file alongwith my views as expressed above may be forwarded to him for recording his views.

  
(V. Ramakrishnan)  
Vice Chairman

Review Application No.7/99

O R D E R

Hon'ble Mr. Lakshman Jha, Member (J):-

The original applicant has been allowed back wages for the period as mentioned in the order passed in O.A. After due deliberation and consideration of the rival contentions of both the parties, there is no error apparent on the face of the record. The exercise of the judicial discretion in particular facts and circumstances, wrong application and interpretation of law/rules and violation of principle of natural justice seldom <sup>fall</sup> ~~fall~~ within the purview of "review as provided under order 47 Rule 1 of CPC. The remedy, if any, lies some where else. Accordingly, I agree with the view as expressed by the learned Vice-Chairman Shri V. Ramakrishnan that the Review Application be rejected. Order accordingly.

MRS.

*L. Jha*  
7.5.99  
( Lakshman Jha )  
Member (J)