

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~NxExWxDxExdxx~~

R.A. No. 6 OF 1991

in

O.A. No. 28 OF 1991. ~~x98x~~
~~ExAxXbxx~~

DATE OF DECISION 8-4-1991.

Addl. Divisional Railway Manager Petitioner(s).
and Ors. (Orig. Respondents)

Mr. B.R. Kyada,

Advocate for the Petitioner(s)

(Orig. Respondents)

Versus

Maheshchandra C. Gurjar & Ors. Respondents.

(Orig. Applicants)

Mr. D.K. Mehta,

Advocate for the Respondent(s)

(Orig. Applicants)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*2. To be referred to the Reporter or not? *NO*3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

Additional Divisional Railway Manager,
on behalf of Union of India,
Western Railway,
Rajkot. **Applicants.**
(Advocate: Mr. B.R. Kyada) (Orig. Respondents)

Versus.

Maheshchandra C. Gurjar
Shri Dineshchandra C. Khatana,
Rakeshkumar H. Pathak,
Goapl Navalkishor Sen. **Respondents.**
(Advocate: Mr. D.K. Mehta) (Orig. Applicants)

ORAL ORDER

R.A. No. 6 OF 1991
in
O.A. No. 28/1991

Date: 8-4-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

This review application has been filed by the applicant original respondents seeking review of our order dated 25.2.1991 in O.A. No. 28 of 1991.

2. Upto para 6 of the application figures the applicant original respondents' version of the contents of the record and what was stated by Mr. Kyada, learned counsel for the applicant - original respondents. The purpose of filing the review application is brought out in para 7 of the application which runs as follows :

"The above application is made to clarify the position that if the statement made by the advocate is allowed then it is contrary to the reply and the documents attached along with the application and it shall not bind the department and therefore the statement made by the advocate on behalf of the Respondents shall be that applicant No.1 to 3 will be considered on submission of fresh documents."

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3. Another purpose of filing the application figures in para 8 which runs as follows :

"The above application is made immediately because otherwise applicant no.4 will approach this Hon'ble Court by filing contempt and will make grievance that the order is in his favour but his case is not considered and that he is not called for interview. It may be pointed out here that the application has been rejected once and now it cannot be corrected after the last date is over of receiving the application. It is an administrative function and the department cannot discriminate the other persons whose applications were rejected on the very same ground. And therefore the applicant prays that:"

4. Review applications can be entertained in accordance with order XLVII(i) of Civil Procedure Code for the limited purpose when "from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order." None of the above two grounds for review are such as can impel review. It is clear from our order dated 25.2.1991

that it was dictated on the Bench on Mr.Kyada for the original respondents making a statement on which the counsel for the original applicant undertook to furnish a copy of certificate and other particulars to the respondents which the respondents were to, in accordance with Mr. Kyada's statement, take into consideration for deciding the eligibility of

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applicant no.4 for the interview. The order was dictated accordingly and the application was disposed of and interim relief order dated 6.2.91 was also vacated.

5. In view of the above we see no grounds made out for review of the order. The review application is rejected.

R.C.Bhatt

(R.C.Bhatt)
Judicial Member

M.M.Singh

(M.M.Singh)
Administrative Member