

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

RA/ 49/2001 in O.A. 360/91

With MA/432/2001

Date of Decision : 08 -06-2001

Union of India : Petitioner(s)

Mr.N.S.Shevde : Advocate for the Applicant (s)

Versus

Smt.N.J.Desai : Respondents

_____ : Advocate for the Respondents (s)

CORAM :

THE HON'BLE Mr. V.RAMAKRISHNAN : VICE CHAIRMAN

THE HON'BLE MR. A.S.SANGHVI : MEMBER (A)

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 ? ✓

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1. Union Of India,
Through Secretary,
Railway Board, Rail Bhavan,
New Delhi-110 001.
2. General Manager (E)
Western Railway, HQ Office,
Churchgate,
Mumbi.
3. Divisional Personnel Officer,
& President Railway School,
Divisional Office, Western Railway,
Vadodara.

... Applicants
(Ori. Respondents)

Advocate: Mr.N.S.Shevde

Versus

Smt. N.J.Desai,
Primary School Teacher,
At Viramgam,
Railway Primary School No.1

... Opponent
(Original Applicant)

BY CIRCULATION

ORDER

RA/49/2001
in OA/360/91
with MA/432/2001

Date:8/6/2001

Per: Hon'ble Mr.A.S.Sanghavi

: Member (J)

This application for the review of the judgement given on 11.8.2000
in OA/360/91 is moved by the original respondent of the O.A. contending

that the applicant was given opportunities for regularisation by calling her for screening/selection which was specially conducted as per the order of the Hon'ble CAT, Jabalpur Bench in OA/512/91 and others. This fact was brought to the notice of the Tribunal during the pendency of the said application by producing the relevant document as at Annexure R/7. However, it appears that the Tribunal had lost sight of the said fact while delivering the judgement and as a result had issued directions as one time exception in the judgement.

2. MA/432/2001 is moved for condoning the delay in moving this RA application. Considering the nature of the RA, MA is allowed and the delay is condoned.


3. The order passed in OA/512/91 and OA/360/91 were challenged by the respondents i.e. the review applicant before the Hon'ble High Court by filing special Civil Application No. 9907/2000 but the same was withdrawn by the review applicant with liberty to file review application before this Tribunal. It is quite apparent that the ground on which the review application is moved is hardly tenable as we have given elaborate reasons in our order while disposing of the O.A. The question of non-consideration of the ~~fact that the~~ order passed by the Jabalpur Bench of the CAT in OA/512/91 while passing the order does not arise. We had considered that the applicant had failed to clear the selection in 1991 and that the respondents can not be directed to regularise her service. However, the direction to permit her to give one more opportunity to clear the test is passed purely on humanitarian ground, considering the long service put up

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by the applicant. Such an order does not need any review. We find that there is no error apparent on the face of the record in passing such an order. The review is therefore devoid of any merit and the same is rejected summarily with no order as to costs. MA also stands disposed of.



(A.S.Sanghvi)
Member (J)



(V.Ramakrishnan)
Vice Chairman

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