

In The Central Administrative Tribunal
Calcutta Bench

RA 62 of 1997
(OA 1198 of 1996)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G.S. Maingi, Administrative Member

Bhabani Chakraborty

- VS -

Eastern Railway

For the Applicant : Mr. B. Chatterjee, Advocate

For the Respondents: Mr. P.K. Arora, Advocate.

Heard On : 17-2-2000

Date of Order : 17/2/2000

O R D E R

D. PURKAYASTHA, JM

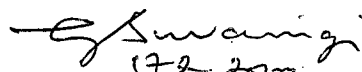
Heard Id. Advocates of both the parties over an application for review of the judgement dated 15.9.97 passed in OA 1198 of 1996 on the ground that the Tribunal did not take notice of the judgement of the Hon'ble Apex Court at the time of passing of the judgement dated 15.9.97 and it was wrongly observed that the applicant was appointed in a temporary status of Gangman; though he was holding the post of Regular Material Clerk for 14 years.

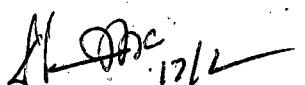
2. We find that the applicant originally claimed that he was appointed as Regular Material Clerk. But respondents submitted that the applicant was ^{not} holding the ~~temporary~~ ^{regular} status of Material Clerk. It is also stated by the respondents that on 20.10.1994 he was absorbed in a permanent post of Gangman. Applicant could not produce any scrap of paper to show us that he was appointed as Regular Material Clerk as claimed in the application.

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3. Ld. Advocate Mr. Chatterjee submits that since applicant did not file any appeal before the Appellate Authority against the impugned order which is under review, the Tribunal is bound to revise the judgement on the grounds stated above.

4. We are unable to accept the contention as raised by Ld. Advocate Mr. Chatterjee for the applicant, Because, in the absence of material evidence it cannot be said that applicant was appointed as regular Mateial Clerk. So, it cannot be said that there is error apparent on the face of the judgement. The power of review is rather circumscribed under the provisions of law. No judgement can be re-appreciated or reviewed by the Tribunal unless there is material error apparent on the face of the judgement. In view of the aforesaid reason, we do not find any justification for invoking power of review in this application. Hence, the application is rejected.


(G.S. Maingi)
Member (A)


(D. Furkayastha)
Member (J)

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