

IN THE CENTRAL ADMIN-ISTRATIVE TRIBUNAL  
CALCUTTA BENCH

MA 405 of 2002  
(OA 651 of 1996 &  
725 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member  
Hon'ble Smt. Shyama Dogra, Judicial Member

Union of India & Ors.(SIB)

- VS -

Ashok Baidya & Anr.  
Gopal Das & Anr.

For the Applicants : Mr. S.B. Mukherjee, Counsel

For the Respondents : Mr. Samir Kumar Ghosh, Counsel

Date of Order : 12-6-2003

O R D E R

SMT. SHYAMA DOGRA, JM

This MA has been preferred by the Union of India & Ors.(SIB) with a prayer to recall the order passed by this Bench in O.A. 651 of 1996 and O.A. 725 of 1996 whereby the respondents were issued directions to examine the case of the applicants afresh in the light of the directions of the Hon'ble Supreme Court and the submissions made at para 14 of the reply and para 8 of the supplementary affidavit to the application dated 14-3-2001 and to pass an appropriate order within a period of two months from the date of communication of that order.

2. The main ground for recalling the said order as submitted by the official respondents in the present application is that the applicants have now become over age and they cannot get Government service in view of the Service Rules. Their cases were considered



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by the Headquarters; but they have been found over age and they also do not possess the required educational qualification as per Recruitment Rules for the post of JIO-II(MT). In view of this, the applicants' case was not considered as directed by this Court.

3. Reply has been filed by the respondents (applicants in O.A.) to the said MA and it is submitted that since the matter was heard on merits by this Court while passing the order in the original application and the present applicants i.e. the official respondents had failed to make out any error apparent on the face of the judgement/order, hence the present application is not maintainable. Instead of compliance of the directions of the Court the official respondents have come out with this application for recalling the order which is unwarranted on the grounds being made by them.

4. We have heard the Ld. Counsel for the parties and perused the records. We find no cogent ground for recalling the order passed by this Court in the original application as mentioned hereinabove as the present applicants (respondents in O.A.) failed to point out any error apparent on the face of the order. It is well-settled law that the order can only be recalled or reviewed if there is an error apparent on the face of it or if some clerical mistake has occurred in the order.

5. The ground as stated by the applicants (respondents in O.A.) is not a ground to reverse/recall the order as they were simply directed to consider the case of the applicants in the light of the decision of the Hon'ble Supreme Court and the various averments made in the original application as well as in the supplementary affidavit to the application and thereafter to pass an appropriate order. It was incumbent upon the respondents (present applicants) to comply with the directions of the Court or to choose appropriate forum if they were not satisfied with the decision of this Court.



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6. In view of these observations made hereinabove, we find that there is no force in the contentions being raised by the applicants (respondents in O.A.) in the MA. Therefore, the present M.A. being devoid of merits is hereby dismissed with no order as to costs.

*Shyamal Dutt*  
Member (J) 12.6.03

*S. Basu*  
Member (A)

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