

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

R.A. No.23 of 1998  
(O.A. No. 1296 of 1997)

Dated:- 17.12.99

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

1. Shri Pabitra Kumar Halder S/o Late Panchanan Halder, serving as Asstt. Efficiency Officer, S. E. Railway Hd. quarters at Garden Reach, Calcutta-43 and residing in the S.E. Railway Officers Flat No.13B-Unit No.1 (Gd. floor), Garden Reach, Calcutta, and
2. Shri Dipankar Chakraborty, S/o Late Naresh Chandra Chakraborty serving as Section Officer (Accounts) in CPO, S.E. Railway (Settlement Section) and residing at 64/4, Dhakuria Station Road, Calcutta-31

... Applicants  
VS

1. The Union of India service through the General Manager, South Eastern Railway, 11, Garden Reach Road, Calcutta-700 043
2. The General Manager, South Eastern Railway, 11, Garden Reach, Calcutta-700 043
3. The Senior Dy. General Manager, South Eastern Railway, 11, Garden Reach Road, Calcutta-700 043
4. The Chief Personnel Officer, South Eastern Railway, 11, Garden Reach Road, Calcutta-43
5. Financial Adviser and Chief Accounts Officer (Admn/Bills), South Eastern Railway, Garden Reach, Calcutta-43
6. Senior Asstt. Dy. General Manager, South Eastern Railway, Garden Reach, Calcutta-43
7. Asstt. Personnel officer (P.C.), South Eastern Railway, Garden Reach, Calcutta-43

(Counsel present at the time of final hearing of the Original Application) :

For the Applicants : Mr. R.K. De, counsel  
Mr. B. Sarkar, counsel

For the Respondents : Mrs. B. Ray, counsel

DISPOSED OF BY CIRCULATION

O R D E R

This application for review is directed against the order dated 2.11.1998 passed by this Tribunal on the grounds that in the said order the Tribunal wrongly recorded that the applicant No.1 had abandoned his grievance in the application which is not correct. So, the applicant No.1 has been prejudiced

It is stated that this Tribunal decided the case relying on the provision as embodied in S.R. 317-B-20 and 317-B-21 which do not relate to Railway quarters.

2. I have gone through the order dated 2.11.98 and I find that before that order another order dated 7.9.98 was passed which runs as follows:-

"Ld. Advocate, Mr. Dey leading Mr. Sarkar, Advocate for the applicant submits that this application may be treated as application filed by applicant No.2, Shri D. Chakraborty and liberty may be given to applicant No.1, Shri P.K. Halder to file separate application in respect of his own cause of action and relief sought for in this application. Prayer is allowed. OA application will be heard in respect of Shri Dipankar Chakraborty only. Accordingly, it is heard partly. The case of Shri D. Chakraborty is passed over tomorrow as part heard."

Applicant No.1 has nothing to be prejudiced since he was given liberty to file a fresh application by the said order. He abandoned his claim in respect of this application only. Therefore, there is nothing to review in that score. Regarding the provision of F.R. and S.R. as applied in this case I find that factually there is no mistake in this respect. So, mere quotation of the Rule does not mean that the judgment is required to be reviewed, unless it is shown by the applicant that the fact stated in the judgment is wrong or without any evidence.

3. In view of the aforesaid circumstances I do not find any ground to review the application and therefore, the application is devoid of merit and liable to be dismissed by circulation and as such I dismiss it without passing any order as to costs.

  
(D. Purkayastha)

MEMBER (J)