Central Administrative Tribunal
Lucknow Bench

RA No.08/2008, MP No.575/2008 In OA No. 23/2008
RA No.09/2008, MP No.572/2008 In OA No. 22/2008
RA No.10/2008, MP No.573/2008 In OA No. 24/2008
RA No.11/2008, MP No.574/2008 In OA No. 21/2008

Lucknow this the 24th day of March, 2008.

Hon'ble Shri Shanker Raju, Member (J)

RA No.8/2008

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Deputy Chief Mechanical Engineer (Works),
Carriage & Wagon Workshop,
Northern Railway, Alambagh,
Lucknow.

3. Assistant Works Manager,
Carriage & wagon Workshop,
Northern Railway, Alambagh,
Lucknow. -Review Applicants

-Versus-

Shri Vinay Kumar -Respondent

RA No.9/2008

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Deputy Chief Mechanical Engineer (Works),
Carriage & Wagon Workshop,
Northern Railway, Alambagh,
Lucknow.

3. Assistant Works Manager,
Carriage & wagon Workshop,
Northern Railway, Alambagh,
Lucknow. -Review Applicants

-Versus-

Shri Anoop Kumar Srivastava -Respondent

RA No.8/2008

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Deputy Chief Mechanical Engineer (Works),
Carriage & Wagon Workshop,
Northern Railway, Alambagh,
Lucknow.

3. Assistant Works Manager,
Carriage & wagon Workshop,
Northern Railway, Alambagh,
Lucknow. -Review Applicants

-Versus-

Sunil Kumar Sharma,
S/o Shri Swaymver Dayal Sharma,
R/o 554/182 Kha, Chhota Baraha,
Shantinagar, Alambagh. -Respondent

RA No.10/2008

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Deputy Chief Mechanical Engineer (Works),
Carriage & Wagon Workshop,
Northern Railway, Alambagh,
Lucknow.

3. Assistant Works Manager,
Carriage & wagon Workshop,
Northern Railway, Alambagh,
Lucknow. -Review Applicants

-Versus-

Shri Sandeep Gupta -Respondent

1. Union of India through the
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Deputy Chief Mechanical Engineer (Works),
Carriage & Wagon Workshop,
Northern Railway, Alambagh,
Lucknow.

3. Assistant Works Manager,
Carriage & wagon Workshop,
Northern Railway, Alambagh,
Lucknow. -Review Applicants

-Versus-

Sunil Kumar Sharma -Respondent

O R D E R (By Circulation)

As these Review Applications arise out of a common order dated 11.1.2008, are being disposed of through this common order in circulation.

2. These Review Applications have been filed by the review applicants/respondents in OA, seeking review of my order dated 11.1.2008.

3. The scope of the review lies in a very narrow compass and has been defined in Section 22 (3)(f) of Administrative Tribunals Act, 1985 readwith Order XLVII, Rule (1) of Code of Civil Procedure, according to which the review can be entertained only when there is an error apparent on the face of record or there is discovery of new and important material, which was not available to the review applicants, even after due diligence.

3. The Apex Court in ***Sheikh Habib v. Chandra Kanta***, AIR 1975 SC 1500, held as follows:

> "Mr. Daphtary, learned counsel for the petitioners, has argued at length all the points which were urged at the earlier stage when we refused special leave thus making out that a review proceeding virtually amounts to a re- hearing. May be we were not right in refusing special leave right in the first round but, once an order has been passed by this Court a review thereof must be subject to the rules of the game and cannot be lightly entertained. A review of a judgment is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. A mere repetition through different counsel of old and overruled arguments, a second trip over ineffectually covered ground or minor mistakes of inconsequential import are obviously insufficient. The very strict need for compliance with these factors is the rationale behind the insistence of counsel's certificate which should not be a routine affair or a habitual step. It is neither fairness to the court which decided nor awareness of the precious public time lost what with a huge back-log of dockets waiting in the queue for disposal, for counsel to issue easy certificates for entertainment of review and fight over again the same battle which has been fought and lost. The Bench and the Bar, we are sure, are jointly concerned in the conservation of judicial time for maximum use. We regret to say that this case is typical of the unfortunate but frequent phenomenon of repeat performance with the review label as passport. Nothing which we did not hear then has been heard now, except a couple of rulings on points earlier put forward. May be as counsel now urges and then pressed, our order refusing special leave was capable of a different course. The present stage is not a virgin ground but review of an earlier order which has the normal feature of finality.
>
> We dismiss the petition unhesitatingly, but with these observations hopefully."

4. In the above backdrop, I have perused my order dated 9.1.2008 and do not find either an error apparent on the face of record or discovery of any new and important material, which was not available to the review applicants. It appears that an attempt

is being made to re-argue the matter, which is not permissible. If the review applicants are not satisfied with the order passed by the Tribunal, remedy lies elsewhere. Accordingly, the RA is dismissed, in circulation.

5. Let a copy of this order be placed in the case file of each RA.

(Shanker Raju)
Member (J)

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