

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

REVIEW APPLICATION no. 19/2004

in

O.A.no. 565/96

Lucknow this the 19th day of Feb., 04.

HON. MR. JUSTICE S.R. SINGH, V.C.

Nirale Khan, aged about 28 years, son of late Rafique Khan r/o 266/1, Near Bazar Khala, Kotwali, P.S. Bhadewan, Lucknow.

Applicant.

versus

1. Union of India through Secretary, Ministry of Railways Baroda house, New Delhi.
2. Senior Divisional Commercial Manager, North Eastern Railways, Ashok Marg, Lucknow.

Respondents.

O R D E R


Original Application was disposed of vide judgment and order dated 5.12.2003 with liberty reserved to the applicant to file a representation coupled with direction to the respondents to consider and dispose of the said representation if filed in accordance with law.

2. The decision of Hon. Supreme Court in the case reported in 2001 SCC (L&S) 468 was noticed while disposing off the Original Application but the other decision dated 22.8.2003 reported in 2004 SCC (L&S) 100 referred to in the Review petition was not brought to the notice of the Tribunal as observed in paragraph 6 of its order under review. The earlier decision reported in 2001 SCC (L&S), <sup>it</sup> 468, has been asserted in the review petition, has been considered by their lordships of Hon. Supreme Court in the later decision. That, by itself is not a ground for reviewing the order dated 5.12.2003,

particularly due to the reason that the Hon. Supreme Court decision sought to be relied on in the review petition, can be cited before the authorities in support the representation that may be filed pursuant to the directions given by the Tribunal.

3. I have no manner of doubt that in case the Supreme Court decision is produced before the competent authority, the latter shall, while disposing of the representation take into consideration the decision rendered by their lordships of the Hon. Supreme Court.

4. The Review Petition is accordingly disposed of in the light of the above observations.

  
Vice Chairman.

Lucknow; Dated: 19.2.04.

Shakeel/