

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.07.2007

In

Original Application No.337/2006

This the 28th day of March 2007

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Union of India & Others.Applicant.

By Advocate: Shri Arvind Kumar.

Versus.

Chhedi Lal & Others.Respondents.

By Advocate: -x-

ORDER (Oral)

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The respondents in the Original application have filed their Review application to recall / review the orders of the judgment dated 03.08.2006 on the ground that the matter has been decided at admission stage itself without filing their Counter-Affidavit. The applicants therein also contended that the ~~original~~ applicant had placed incorrect facts and by misrepresentation, which they noticed for taking decision on the judgment.

2. Perused records.
3. The matter has been decided in circulation itself.
4. The admitted facts of the case are that the applicants have filed Original application directing the respondents to treat them on their duties on the post of work charged Mason Khallasi for the period from 08.09.2000 till the date of joining alongwith interest at 18 % per

annum till the date of payment, by extending the judgment in OA 407/2002-Dwarika Prasad and Others Vs. Union of India. The applicant also further stated that their representations are pending with the respondents in respect of the claims made in OA.

5. At the stage of admission both side Advocates appeared and applicant counsel restricted his claim for disposal of pending representation, which would satisfy their Original application. After hearing both side Advocates, the Tribunal passed orders on 03.08.2006 at admission stage directing the respondents to decide the representations of the applicants Dated 17.02.2006, within a period of 3 months from the date order, keeping in view of the judgment passed in the case of Dwarika prasad & Others Vs. Union of India in OA No.407/2002.

6. Now the respondents in the original OA have filed this review application to recall the orders of the Tribunal dated 03.08.2006 on the ground that they have not filed any counter and the applicant misrepresented the facts of the case.

7. When once the Tribunal passed orders, hearing both sides, at the stage of admission itself that too for taking decision on the representation of the applicants dated 17.02.2006, within three months keeping in view of the decided case in OA.No.407/2002, it is not open to the respondents to agitate again on the ground that they have not filed Counter-Affidavit. Admittedly, the Tribunal has not passed any orders on merits of the application.

8. There are no justified circumstances to entertain the claim of the respondents for review of the orders of this Tribunal dated 03.08.2006



and none of the ingredient of the Order 47 Rule 1 C.P.C are satisfied and thus application is liable for dismissal.

9. In the result, the application for review of the order of the Tribunal dated 03.08.2006 in main O.A. is dismissed.


(M. KANTHAIAH)
MEMBER (J)

28.3.07

/Amit/