

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Date of Decision : 16 . 1. 2002

RA/62/2001

in
OA/24/2001

Shri **M.S.** Kokad _____ Petitioner (s)

Mr. R. D. Deharia : Advocate for the applicant(s)

Versus

M/o. Defence & Ors. : Respondents

_____: Advocate for the Respondents(s)

CORAM :

THE HON'BLE MR. ASHOK AGARWAL : CHAIRMAN

THE HON'BLE MR. G.C.SRIVASTAVA : MEMBER (A)

JUDGMENT

1. **Whether Reporters of Local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporter or not ?**
3. **Whether their lordships wish to see the fair copy of the judgment ?**
4. **Whether it needs to be circulated to other Benches of the Tribunal ?**

No

: 2 :

Shri **MS**. Kokad,
Working as Train Conductor,
Bhusawal Division, C.Rly.
Residing at Rly.Qr.No.RBII/627/D,
Yeola Road, Manmad,
Dist.Nasik (M.S.),
Pin-423 104.

: Applicant

Advocate: Mr. R.D.Deharia

Versus

1. Union of India Through:
The General Manager,
C.Rly.H.Q.Office, C.S.T.Mumbai,
Pin.400 001.
2. The Divisional Railway Manager,
Divisional Office,
C.Rly., Bhusawal, Pin-425 201.
3. Shri T.N.Bhosale,
Senior Divisional Personnel Officer,
C.Rly, Divisional Office,
Bhusawal, Pin-435 201.

: Respondents

(Decision by Circulation)

ORDER

RP/62/2001

In

OA/24/2001

Date: -1-2001

Per: Hon'ble Mr. G.C.Srivastava

: Member (A)

This RP has been filed by the original applicants of
OA/24/2001 against the order passed by the Tribunal on

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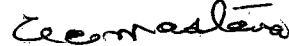
20.8.2001. The main grounds taken for review are:-(i) Order passed without hearing both the sides, (ii) Application rejected at the admission stage without looking into the merits of the case, (iii) Fixation of pay is a recurring cause of action and (iv) the delay could have been condoned by taking a liberal view.

2. We have examined the above grounds and find that none of them can be considered as valid grounds for a review application. It is a settled position of law that a review application lies when a new and important matter of evidence is discovered which was not within the knowledge and could not be produced or when there is a mistake or error apparent on the face of record or for any other sufficient reason. In the instant case, the order was passed and the OA rejected on the ground of limitation alone. In view of this, there is neither any need to review nor any occasion to go into the merits of the case. Similarly, there was neither any application for condonation of delay nor any material on record to justify the delay. The OA did not even acknowledge any delay in filing the same and the pleadings never suggested even remotely any of the pleas being advanced now in the RP.

Ces

: 4 :

3. We do not find any merit in the RA and therefore, reject the same.


(G.C. Srivastava)

Member (A)


(Ashok Agarwal)

Chairman

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