

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, MUMBAI:1

Review Petition No.50/98 in  
Original Application No. 750/94

Friday the 11th day of June 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S. Baweja, Member (A)

Samson Stanley and 12 others. ... Applicants.

By Advocate Shri M.S. Ramamurthy.

V/s.

Union of India and others. ... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

¶ Per Shri Justice R.G.Vaidyanatha, Vice Chairman

This Review Petition has been filed by the respondents seeking review of our order dated 21.7.1998. We have heard the learned counsel for the respondents in support of the Review Petition. The learned counsel for the applicant opposes the review petition.

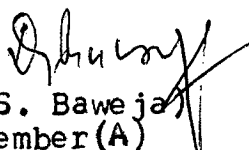
2. By order dated 21.7.1998, the Tribunal held that the applicant No.1 to 6 are to be regularised from the date of initial ad hoc promotion. Now the respondents say that one lady Smt. Lilli Kutty Joseph was appointed earlier than the applicant. Hence she should be senior to applicants No.1 to 6 and it is admitted by both the counsels that Smt. Lilli Kutty Joseph was from rankert quota and she was appointed as stenographer in 1981. It is also admitted that applicants No.1 to 6 are direct recruits and were selected by the Railway Board in 1981 but joined only in 1982. The respondents want to say that Smt. Lilli Kutty Joseph is senior to the applicants.

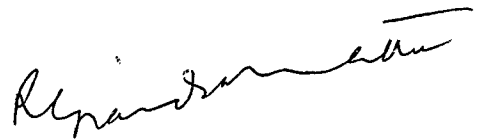
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3. After hearing both sides we feel that the judgement under Review has never considered the seniority of applicants No.1 to 6. We have only held that applicants No.1 to 6 are entitled to regularisation from the date of initial ad hoc promotion. The question whether Smt. Lilli Kutty Joseph is senior or the applicants are senior was neither raised nor decided by the Tribunal. It is not even pleaded by either party. Therefore such a point cannot be taken up by Review Petition which is not covered in the pleadings. Further we cannot hear the matter and give the findings as Smt. Lilli Kutty Joseph is not before this Tribunal. If at all she is aggrieved by the judgement of the Tribunal it is for her to take proper steps. If the administration feels that Smt. Lilli Kutty Joseph is senior to applicants No.1 to 6 then they should consider the same as per Rules. These matters are not decided by the Tribunal while passing the judgement dated 21.7.1998. Hence this case cannot be considered or agitated by filing an Review Petition.

4. We do not find any error apparent on the face of the record or any other sufficient reasons to review the judgement within the meaning of Order 47 Rule 1 CPC. Without expressing any opinion on the rival contentions we hold that the review petition is not maintainable and liable to be rejected.

5. In the result the Review Petition is rejected.

  
(D.S. Baweja)  
Member(A)

  
(R.G. Vaidyanatha)  
Vice Chairman