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Saroj Kumar Pandey Applicant.

v/s.

Union Of India & Others ... Respondents:

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri M. R. Kolhatkar, Member (A).

Tribunal's Order by Circulation :

Per. B. S. Hegde, Member (J) .

DATED : 7. 11. 94.

1. This Review Application is filed by the Applicant seeking review of the Judgement dated 19.08.1994 in O.A. No. 680/94.

2. We have perused the Review Application. The main contention of the Applicant in the Review Petition is that the applicant continues to work in the Refreshment Room, Bombay Central. As can be seen from the Chief Catering Inspector's letter dated 28.04.1993 (Annexure A-2) the applicant has not received any payment since November, 1989. Since he continues to work in RR/BCT without any payments, the dismissal of the O.A. on the ground of limitation is not correct. It may be recalled that the Applicant's

Counsel has filed an MP. No. 761/94 seeking condonation of delay and quashing the Order dated 23.10.1989. However, the O.A. has been filed in the year 1984, after a lapse of five years. Though he has made representation in the year 1990, he has not received any reply from the Competent Authority. He should have approached this Tribunal within a specific period, which he did not do so. Accordingly, both the M.P. and the O.A. has been dismissed at the admission stage itself. Even on perusal of Annexure-2, it is clear that pursuant to the Supreme Court decision, the applicant has been paid the basic pay @ Rs. 775/- per month and other allowances from the year 1984 to 1989. They are not being paid any increment but only salary and other allowances. Subsequent to 1989, the applicant may be working in the Refreshment Room but not under the control of the Respondents. Therefore, the question of payment by the department hardly arises. Accordingly, the applicant in the Review Application contends that he continues to work under the Respondents and he should be regularised, which plea has been negatived while hearing the O.A. itself. He has not brought out any new points in the Review Application.

2. The law is well settled that the scope of Review Application is very limited and the Review Application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to the notice which was not available even after exercise of due diligence or any other sufficient reason. Review Application cannot be utilised for re-arguing the case traversing the same ground again.

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3. After perusing the review application, we find that none of the ingredients referred to above, have been made out to warrant a review of the aforesaid judgement. It is not the case of the applicant that he has been working with the Respondents after 1987 and has furnished no proof to show that he has been working with the Respondents.

4. In the circumstances, we are of the opinion, that neither an error on the face of the record has been pointed out nor any new facts have been brought to my notice calling for the review of the judgement. The new documents furnished by the applicant were not authentic and was given on the basis of surmises which cannot be accepted. Accordingly, we do not see any merit in the review applicant, the same is, therefore, dismissed.

M R Kolhatkar

(M. R. KOLHATKAR)
MEMBER (A).

B S Hegde

(B. S. HEGDE)
MEMBER (J).

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