

12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::
AT HYDERABAD.

R.P.No.15/92
in
O.A.No.1076/91.

Date of Decision: 30.1.92.

Between:

1. J.V. Krishna Murthy
2. S.K.Bakshi
3. A.Pydithalli
4. A.V.S.Prasad
5. M. Rudra Murthy
6. T.S.S.Sarma
7. P.S.Chandra Rao
8. D. Sitarama Swamy
9. V.T.S.Raju

.. .. Applicants

and

1. The Chairman, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager, S.E.Railway,
Garden Beach, Calcutta-43.
3. The Divisional Railway Manager,
S.E.Railway, Visakapatnam.
4. The Divisional Personnel Officer,
S.E.Railway, Visakapatnam.
5. N.V.A.C.Kumar
6. V. Kondala Rao
7. B. Gangadhara Rao
8. S. Appa Rao
9. Shaik Meera
10. CH.U.B.E.Prasad
11. R.T.Vizian

.. .. Respondents

For the Applicants : Shri P.B.Vijaya Kumar, Advocate

For the Respondents : Shri N.R. Deva Raj, Standing
Counsel for Railways.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

X ORDER OF THE BENCH AS PER HON'BLE SHRI C.J. ROY, MEMBER (J) X

.....

This is a review petition filed under Rule 17 of the
Central Administrative Tribunal (Procedure) Rules, 1987
seeking a review of the judgment pronounced in O.A.No.1076
of 1991 dated 20.12.1991. The applicants and the respondents
herein are the same as in the O.A.

....2.

2. The brief facts of the case are:-

The applicants had filed O.A.No.703/90 which was disposed-of by this Tribunal on 29-11-1990 with a direction. Aggrieved by non execution of the said direction, the applicants have chosen to file another O.A. on the same cause of action i.e. O.A.No.1076/91 which was disposed-of as stated supra on 20-12-1991. On this order this Review Petition is filed stating that the petitioners have no other alternative except to file another application i.e. O.A.No.1076/91 for non execution of the directions issued in O.A.No.703/90. Rule 17 of CAT (Procedure) Rules, 1987 says -

" Review is maintainable if there is a mistake apparent on the face of the record or there is no material which they could not place at the time of hearing but subsequently got some information which they could not produce with due diligence."

Order-47, Rule-1, Section 114 C.P.C, the above provisions were lifted into CAT (Procedure) Rules, 1987. In this review, the petitioners have neither raised a new point or mistake apparent on the face of the record or a material which they could not place at the time of hearing but got some information subsequently.

The only grievance is that they have no other remedy except to file another application for execution of the directions given in O.A.No. 703/90. For the benefit of appreciation, Rule-24 is cited hereunder -

"Rule-24:- Orders and directions in certain cases:
The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice."

: 3 :

3. We do not agree with the contention of the petitioners that they have no remedy as stated by them. The petitioners herein have got a remedy by going through Section 21 of the General Clauses Act. Rule-24 of the A.T. Act R/w Sec.27 of the Act, it is clear that the petitioners have got a remedy to come out for execution of the directions issued in Judgments. The contention of the petitioners that they have no remedy except to file another O.A. is not correct.

4. In view of the observations supra, the review is not maintainable and ~~dismissed~~ without costs. However, the petitioners are at liberty to pursue the remedy as per rules in the light of the observations made supra. This Review Petition is disposed-of accordingly.

R. Balasubramanian
(R. BALASUBRAMANIAN)
MEMBER (A)

usdy
(C.J. ROY)
MEMBER (J)

Dated: 20-1-92

87292
Deputy Registrar (J).

Copy to:-

1. The Chairman, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, S.E.Railway, Garden Beach, Calcutta.
3. The Divisional Railway Manager, S.E.Railway, Visakhapatnam.
4. The Divisional Personnel Officer, S.E.Railway, Visakhapatnam.
5. One copy to Shri. P.B. Vijaya Kumar, advocate, CAT, Hyderabad.
6. One copy to Shri. N.R. Devaraj, SC for Railways, CAT, Hyd-ba
7. One spare copy.
8. ~~one copy to D.R(J)~~

Rsm/-

*Notarized
1.1.1992*