

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::

R.P.No.53/1993 in  
O.A.No.982/91.

Date: 1.9.993

Between:

N. Sarojini

.. Applicant

And

1. Union of India, represented by  
 the Chairman, Railway Board,  
 Rail Bhavan, New Delhi.

2. General Manager, South Central  
 Railway, Rail Nilayam, Sec'bad.

3. Divisional Railway Manager,  
 South Central Railway,  
 Vijayawada.

4. Senior Divisional Accounts Officer,  
 South Central Railway, Vijayawada. ..

Respondents

APPEARANCE:

For the applicant : Sri G.V.Subba Rao, Advocate

For the respondents : Sri N.R.Devaraj, Sr.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE-CHAIRMAN

THE HON'BLE MR. P.T. THIRUVENGADAM, MEMBER(ADMN.)

(JUDGMENT OF THE BENCH AS PER HON'BLE SRI P.T.THIRUVENGADAM,  
 MEMBER (ADMN.) X

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O.A.No.982/91 was filed praying for a direction to  
 the respondents to regularise the services of the applicant  
 as Passenger Guide/Ticket Collector with effect from 17.2.1962,  
 the date of her initial appointment and for all consequential  
 benefits like arrears of salary, pension, gratuity, etc. by

...2/-

25

11

declaring that the non-payment of the same is illegal arbitrary and unconstitutional and for interest at 18% p.a. from the dates on which the amounts are due.

2. While disposing of the O.A. the only relief that was awarded was that the applicant was eligible for the enhanced rate for engagement for the period from 1.3.1985 till she was appointed as Ticket Collector on 24.1.1989. The O.A. in regard to the other claims was dismissed.

3. This R.P. has been filed for reviewing the above Order dt. 31.3.1993 and for allowing the prayer as originally prayed. Number of grounds have been advanced in this R.P., specifically stating that the applicant was paid only a remuneration and not honorarium, the applicant was engaged as casual labour Passenger Guide from 17.2.1962, <sup>and</sup> the Tribunal had erred in ~~not~~ coming to the conclusion that the applicant was a Social Worker doing free service to the Railway Administration in her spare time for some hours ~~etc.~~. All these grounds were advanced even at the time of arguments in the main O.A. and have been dealt with in detail while disposing of the O.A.

5. In [ AIR 1979 SC 1047 ] the Supreme Court observed -  
"There are definite limits to the exercise of the powers of the Review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or

error apparent on the face of the record is found, it may also be exercised on any analogous ground. But it may not be exercised on the ground that the decision was erroneous on its merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable the appellate court to correct all manner of errors committed by the Subordinate Court.

In the present case both the grounds on which the review was allowed were hardly grounds for review. That two documents which were part of the record were not considered by the court at the time of issue of a writ under Article 226, cannot be a ground for review especially when the two documents were not even relied upon by the parties in the affidavits filed before the court in the proceedings under Article 226."

In this case no new and important matter of evidence has been produced in the Review Petition nor any error apparent on the face of the record has been established. Mere reiteration of the arguments already advanced cannot be a justification for review.

6. Learned counsel for the applicant gave reference to a number of citations as under:-

- (a) ATR 1988 (1) 85 - This refers to the doctrine of promissory estoppel.
- (b) ATR 1988 (2) 446 - refers to the applicability of principles of equal pay for equal work among regular employees and those engaged on hourly basis discharging the same duties.

To

Vice-Chairman  
Mr. K. N. Neelakanta

(Robagnewirth & Co.)  
1900 (2) 74-81.

1881-1882 1-387

PSL 1963

(c) ATR 1988 (2) 483 - refers to eligibility on completion of 120 days continuous service and acquiring of temporary status of a Casual Labourer.

(d) AIR 1987 (P.II) SC 2342 - refers to classification of casual labourers for the purpose of payment of different rates of wages.

(e) ATR 1989(1) 380 - refers to Scheme of regularisation of mobile Booking Clerks introduced in April, 1992 to be made applicable even to those subsequently engaged.

(f) SLJ 1991 (3) 473 refers to those having more than 20 years even if temporary service shall be entitled to pension.

(g) SLJ 1992(2) 272 - refers to counting of temporary service for the purpose of calculating pension.

(h) ATLT 1989(2) 22 - refers to the point that regularisation does not require a specified period of service to have been put in.

(i) SLR 1982 (1) 876 SC - refers to cancellation of orders issued without notice.

These citations are not relevant to the consideration of the Review Petition.

6. In view of the above, the R.P. is dismissed. No costs.

P.T.Thiruvengadam  
(P.T.Thiruvengadam)  
Member(A)

V.Neeladri Rao  
(V.Neeladri Rao)  
Vice-Chairman

Dated 18<sup>th</sup> Syr  
Aug., 1993.

grh.

ST 5/83  
Deputy Registrar (S)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GOKTHY : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY  
MEMBER(JUDL)

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 1 - 9 -1993.

ORDER/JUDGMENT:

M.A/R.A/C.A.N. S3/93

in  
O.A.No. 982 } 91  
T.A.No. (W.P. )

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.

✓  
15/9/93

pvm

