

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

R.A.No.51/95 in
O.A.No.687/93.

Date of order : 29.8.1996.

Between

K.Christudass .. Applicant

And

1. The Govt. of India,
Rep. by its Secretary,
Min. of Railways,
New Delhi-110001.
2. The Divl. Rly. Manager,
Secunderabad Division,
S.C.Rly., Secunderabad.
3. The Divl. Rly. Manager(Works),
Secunderabad Division,
S.C.Rly., Secunderabad.
4. The Divl. Rly. Manager
(Personnel),
Secunderabad Division,
S.C.Rly., Secunderabad. .. Respondents

Counsel for the Applicant .. Shri S.Ramakrishna Rao

Counsel for the Respondents .. Shri K.Siva Reddy,
SC for Rlys.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member (A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

We have heard the learned counsel for the applicant at length. We have also heard Shri K.Siva Reddy, SC for Rlys in reply.

2. The applicant seeks review of the order dated 27.9.93 by which the O.A. was dismissed. The ground for review is stated to be that the respondents had not disclosed at the time of hearing of the O.A. the office orders dated 16.1.84 and 7.7.89 and that had these been taken into account the position as regards the eligibility of the applicant would have been altered to his advantage and therefore as the order in the O.A. proceeds without having seen these orders

there is error apparent on the face of the record which needs to be removed in the interest of justice.

3. We find it difficult to accept the above submission of the learned counsel for the applicant. It is well established that in order to seek a review the applicant should have discovered material evidence which was already in existence but despite exercise of due diligence on his part it was not available to him when the original order was passed which is different from merely seeking to rely on some different document as an knowledge of the applicant or could not have been noticed by him despite exercise of due diligence on his part which efforts he had made. Now the two documents sought to be relied as stated in annexures II and III dated 16.1.84 and 7.7.89 are in the nature of orders issued relating to the posting and transfer of the applicant himself and this fact cannot be said to be not within the knowledge of the applicant. Even without reference to these orders this fact could have been mentioned in the O.A. or the rejoinder. The production of these two purported orders therefore cannot be a ground to permit review of the original order. It can never be suggested that there was an error on the part of the court apparent from the record as this fact had never been mentioned by the applicant himself. Moreover the two orders now produced are merely xerox copies and according to the respondents the originals are not traceable with them. The applicant also has not produced the originals received by him nor disclosed the source from which these copies are procured. Under the circumstances we find no ground to entertain this review application. The same is accordingly rejected.

19/11/96
(H. Rajendra Prasad)
Member

M.G.Chaudhary
(M.G.Chaudhary)
Vice-Chairman.

Dated: 29.8.1996.
Dictated in Open Court.

br.

Arif Ali
7/8/96
D.O.I.

To

1. The Secretary,
Govt. of India,
Ministry of Railways,
New Delhi-1.
2. The Divisional Railway Manager,
Secunderabad Division, SC Rly,
Secunderabad.
3. The Divisional Railway Manager (Works)
Secunderabad Division, SC Rly,
Secunderabad.
4. The Divisional Railway Manager (Personnel)
Secunderabad Division, SC Rly, Secunderabad.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, C.A. Rlyd.
6. One copy to Mr. K. Siva Reddy SC for Rlys, C.A. Rlyd.
7. One copy to Library, C.A. Rlyd.
8. One spare copy.

24/9/96
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 20-9-1996

ORDER / JUDGMENT

M.A.R.A./C.R. No. 51/95

in

O.A.No.

687/93

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

फेन्ड्रोय अधिकारी अधिकारी
Central Administrative Tribunal

DESPATCH

18 SEP 1996 N.M.

हैदराबाद अधिकारी
HYDERABAD BENCH