

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A. 100/96 in OA 92/93

DATE OF ORDER : 1-11-96

Between :-

K.A.Naidu

... Petitioner/Applicant

And

Union of India - Rep by :

1. General Manager,
S.E.Rlys, Calcutta - 43.
2. Chief Personnel Officer,
SE Rlys, Calcutta -43.
3. Chief Medical Officer,
SE Rlys, Calcutta-43.
4. Divisional Railway Manager, SE Rlys, Visakhapatnam.
5. Chief Medical Superintendent, SE Rlys., Visakhapatnam.
6. Sr.Divisional Electrical Engineer,
Traction Distribution, SE Rlys., Visakhapatnam.

... Respondents/Respondents

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Counsel for the Applicants : Shri Y.Subrahmanyam

Counsel for the Respondents : Shri D.Francis Paul, SC for Rlys

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CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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... 2.

(Order per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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The Review Petition is filed against the order dt.2.12.95 passed in OA 92/93. By that order substantial relief has been granted to the applicant. The present review application has been filed for the same relief on grounds that were urged for a period which was also considered in the order and for additional relief of interest claimed in the OA and for costs. The first relief sought for review is to treat the period of September, 1987 to November, 1989 as period for waiting for posting orders which was done from 1-3-90 and for payment of monetary benefits as a vacancy existing earlier to that date in the post of Chief Draftsman in the scale of Rs.2,000-3,200. In that connection in para-16 of the judgement it was held as follows :

"The last contention of the applicant that his period of absence, which is not quantified by him presumably between September, 1987 to November, 1989 has to be treated as duty."

and further after giving reasons that " no direction can be given in regard to treating the period of his absence of interest as on duty as no sufficient material is placed before us to decide this issue. However we only can direct authorities concerned to grant leave due to him and if he is entitled to for leave not due that also should be considered to avoid financial loss to him in view of the fact that he has big family to support". There is therefore no question of re-opening that issue by way of review. In fact the Court has taken a liberal view already.

2. As far as the prayer for costs of the O.A is concerned an order was already passed that there will be no order as to costs. That cannot be re-opened by review.

3. As far as the plea for interest is concerned we do not find that that was the claim in the O.A. No additional relief can be asked by way of review out side the scope of the O.A. Hence that does not offer any ground for review. Thus we do not find any error apparent in the judgement and do not also find any ground disclosed to review ~~our~~ ^{original} order.

4. Hence the R.A. is dismissed. The order is passed acting under Rule 15(1) of CAT (Procedure) Rules, 1987.



(R.RANGARAJAN)
Member (A)



(M.G.CHAUDHARI)
Vice-Chairman

Dated: 1st November, 1996.

Dictated in Open Court. *Amrit* 21/11/96. Deputy Registrar (DCC).

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R.A.101/96.

To

1. The General Manager, SE Rlys,
Calcutta-43.
2. The Chief Personnel Officer,
SE Rlys, Calcutta-43.
3. The Chief Medical Officer, SE Rlys,
Calcutta-43.
4. The Divisional Railway Manager,
SE Rlys, Visakhapatnam.
5. The Chief Medical Superintendent,
SE Rlys, Visakhapatnam.
6. The Senior Divisional Electrical Engineer,
Traction Distribution, SE Rlys, Visakhapatnam.
7. One copy to Mr.Y.Subrahmanyam, Advocate, CAT.Hyd.
8. One copy to Mr.D.Francis Paul, SC Rlys, CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

pvm.

(C) (41)
12/12
I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

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

AND

R.Ranganathan

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

Dated: 1 - 11 - 1996

~~ORDER / JUDGMENT~~

~~M.A.R.A./G.L. No. 100/96~~

in

O.A.No. 92/96

T.A.No.

(w.p.)

Admitted/ and Interim Directdns

Issued.

Allowed.

Disposed of with directions

RA
Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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CAIT प्रशासनिक अधिकार अधिकार
I Administrative Tribunal
DESPATCH
- 9 DEC 1996
हैदराबाद न्यायालय
HYDERABAD BENCH