

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

\* \* \*

Date of Order: 18.7.95.

RA 36/94 (TA 1985/86)

Harain Prashad Pathak s/o Late Sh. Iswar Prashad, r/o Bandikui,  
Distt. Dausa (Rajasthan).

...PETITIONER.

VERSUS

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Mechanical Engineer, DPM Office, Western Railway, Jaipur.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIFMAN.

HON'BLE MR. O.P. SHAFMA, MEMBER (A)

For the Petitioner ... SHRI S.S. HASAN

For the Respondents ... SHRI P.N. MATHUR

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIFMAN

This is a Review Petition u/r 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, seeking a review of the order passed by a Division Bench of this Tribunal on 12.4.94 in TA 1985/86.

2. We have heard the learned counsel for the petitioner and and Shri Badri Prasad, Additional Officer Incharge, departmental representative for the respondents and have perused the records.


3. A perusal of the decision impugned by this review petition shows that Mr. U.D. Sharma, counsel for the respondents had earlier produced the records of the year 1982-83 and had submitted at the bar that after going through the records he was convinced that no trade test was held in 1984 particularly on 11th and 12th January, 1984. The learned counsel for the petitioner has today produced the record of the trade test, which has been taken on record, and it transpires from this document that a trade test was held on 11th and 12th January, 1984 in respect of the petitioner also. Mr. Sharma, learned counsel for the respondents, has today admitted that his earlier statement

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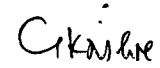
was inadvertently incorrect since it was based on the records made available to him at the time of hearing of the TA in question. We are of the view that since a new and important piece of evidence has come to light which could not be produced at the time of hearing of the said TA ~~and, therefore,~~ there has been an error apparent on the fact of the record.

4. In view of what has been stated above, the Review Application is allowed and the order passed on 12.4.94 in TA 1985/86 by a Division Bench of the Tribunal is recalled.

5. The aforesaid TA shall be listed for hearing on 14.8.95. The learned counsel for the respondents undertakes to produce the complete record on the next date.

  
(O.P. SHARMA)

MEMBER (A)

  
(GOPAL KRISHNA)

VICE CHAIRMAN

VK