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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.P.No.7/98

Date of order: 27.7.1998

Om Prakash Jain, S/o Shri B.L.Jain, aged 54 years, P/o Chand Pole Bazar, Jaipur.

...Review Petitioner.

Vs.

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. F.A & C.A.O (S&C) Western Railway, Church Gate, Mumbai.
3. Dy.F.A & C.A.O (S&C), Western Railway, Mumbai.
4. Gitika Pandey SAO (S&C) Western Railway, Jaipur.

...Respondents.

PER HON'BLE MR.RATAN PRAKASH, JUDICIAL MEMBER.

This review petition has been filed by the review petitioner herein against the order dated 25.6.98 passed in M.A No.97/98, whereby the interim direction issued on 15.5.98 in O.A No.183/98, was vacated.

2. The main ground on the basis of which this review petition has been filed is that since the aforesaid order was passed ex parte and the applicant counsel could not reach the Court in time, the petitioner has been unable to place full facts before the Tribunal, before passing of the order vacating the stay.
3. The power to review its own decision by the Tribunal is conferred under Sec.22, sub-section 3 and sub-clause (f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 and further circumscribed by Sec.114 and Order 47, Rule 1 of the Code of Civil Procedure. In this review petition, the petitioner has tried to assert that there has been an error apparent on the face of the record in passing the order under review dated 25.6.98 on the ground that the petitioner has not been heard in the matter before vacation of the order dated 15.5.98. In the proceedings of the Court noted in the O.A, it

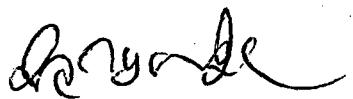
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is made out that after an interim direction was issued on 15.5.98, none appeared on the next date i.e. on 21.5.98. On the next date, i.e. on 22.5.98, the learned counsel for the petitioner was present and the matter was listed for further consideration in the matter on 5.6.98. On 5.6.98, the learned counsel for the petitioner sought an adjournment in the matter and the case was listed on 12.6.98. On 12.6.98, the learned counsel for the parties were heard on M.A No.97/98 whereby the respondents have sought the vacation of the interim direction. During the arguments on that date, it has come out that in the disciplinary proceedings, the disciplinary authority has passed an order on 6.5.98. Since this order was not available on record, the respondents were directed to make available the order dated 6.5.98 as also other relevant documents and the next date was fixed as 25.6.98. On 25.6.98, the order in question dated 6.5.98 passed by the disciplinary authority in consequence upon the disciplinary proceedings initiated against the applicant vide memorandum dated 15.4.98; was made available and after perusal of this order dated 6.5.98, the interim direction issued on 15.5.98 was vacated.

4. In view of the above, there has not been any error apparent on the face of the record. No other ground to seek review is made out. Hence the Review Petition is dismissed accordingly.

By circulation.

  
(Ratan Prakash)

Judicial Member.