

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 19th day of May, 2008

1. REVIEW APPLICATION NO. 12/2008
IN
ORIGINATION APPLICATION NO. 43/2007
WITH
MISC. APPLICATION NO. 120/2008

1. Abdul Sattar son of Shri Juman Khan, E.L.F., NWR, Diesel Shed, Phulera, resident of House No. 83, Dadu Nagar, Phulera.
2. Indar Pal son of Shri Panna Lal, ELF, NWR, Diesel Shed Phulera, resident of Dhani Gordhanpura, Phulera.
3. Swaroop Chand son of Shri Mangal Chand, ELF, NWR, Diesel Shed Phulera, resident of Dhani Karigaraon, Ram Nagar, Phulera.
4. Devi Lal son of Shri Hanuman Prasad, ELF, NWR, Diesel Shed Phulera, resident of Dhani Chani Gordhanpura, Phulera.
5. Moti Lal son of Shri Chhotu Ram, ELF, NWR, Diesel Shed Phulera, resident of Railway Quarter No. 28, Phulera.
6. Kishan Singh son of Shri Moti Lal, ELF, NWR, Diesel Shed Phulera, resident of Mishra Colony, Behind Loco Shed, Phulera.
7. Jagdish Prasad son of Shri Chhaju Ram, ELF, NWR, Diesel Shed Phulera, resident of Chani Karigaon, Phulera.
8. Chandan Singh son of Shri Trikha Ram, ELF NWR, Diesel Shed Phulera, resident of Raj Bazar, Opposite Post Office, Phulera.
9. Dilip Kumar son of Shri Vimila Prasad, Diesel Shed Phulera, resident of Raj Bazar, Opposite Post Office, Phulera.
10. Rajendra Kumar son of Shri Jai Sing, ELF, NWR, Diesel Shed Phulera, resident of in front of RSEB Office, Jobner Road, Phulera.
11. Radhey Shyam Mali son of Shri Hari Ram, ELF, NWR, Diesel Shed Phulera, resident of Railway Quarter No. 516 B, Phulera.

.....APPLICANTS

VERSUS

1. Union of India through General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, North Western Railway, Power House Road, Jaipur
3. Gajveer Singh, ELF, NWF, Diesel Shed, Phulera
4. Balveer Singh, ELF, NWR, Diesel Shed, Phulera.
5. Kuldeep Singh Chaudhary, ELF, NWR, Diesel Shed, Phulera.
6. Jagdish Prasad, ELF, NWR, Diesel Shed, Phulera.

7. Matadeen Meena, ELF, NWR, Diesel Shed, Phulera.
8. Om Prakash Sharma, ELF, NWR, Diesel Shed, Phulera.

.....RESPONDENTS

2. REVIEW APPLICATION NO. 13/2008
IN
ORIGINATION APPLICATION NO. 43/2007
WITH
MISC. APPLICATION NO.121/2008

1. Abdul Sattar son of Shri Juman Khan, E.L.F., NWR, Diesel Shed, Phulera, resident of House No. 83, Dadu Nagar, Phulera.
2. Indar Pal son of Shri Pannal Lal, ELF, NWR, Diesel Shed Phulera, resident of Dhani Gordhanpura, Phulera.
3. Swaroop Chand son of Shri Mangal Chand, ELF, NWR, Diesel Shed Phulera, resident of Dhani Karigaraon, Ram Nagar, Phulera.
4. Devi Lal son of Shri Hanuman Prasad, ELF, NWR, Diesel Shed Phulera, resident of Dhani Chani Gordhanpura, Phulera.
5. Moti Lal son of Shri Chhotu Ram, ELF, NWR, Diesel Shed Phulera, resident of Railway Quarter No. 28, Phulera.
6. Kishan Singh son of Shri Moti Lal, ELF, NWR, Diesel Shed Phulera, resident of Mishra Colony, Behind Loco Shed, Phulera.
7. Jagdish Prasad son of Shri Chhaju Ram, ELF, NWR, Diesel Shed Phulera, resident of Chani Karigaon, Phulera.
8. Chandan Singh son of Shri Trikha Ram, ELF NWR, Diesel Shed Phulera, resident of Raj Bazar, Opposite Post Office, Phulera.
9. Dilip Kumar son of Shri Vimila Prasad, Diesel Shed Phulera, resident of Raj Bazar, Opposite Post Office, Phulera.
10. Rajendra Kumar son of Shri Jai Sing, ELF, NWR, Diesel Shed Phulera, resident of in front of RSEB Office, Jobner Road, Phulera.
11. Radhey Shyam Mali son of Shri Hari Ram, ELF, NWR, Diesel Shed Phulera, resident of Railway Quarter No. 516 B, Phulera.

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6. Jagdish Prasad, ELF, NWR, Diesel Shed, Phulera.
7. Matadeen Meena, ELF, NWR, Diesel Shed, Phulera.
8. Om Prakash Sharma, ELF, NWR, Diesel Shed, Phulera.

.....RESPONDENTS

ORDER

PER HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

These Review Applications have been filed by Respondents nos. 4 & 5 in OA No. 43/2003 against the judgment dated 12.02.2008. The ground on which the aforesaid Review Applications have been filed is that the matter is required to be reconsidered on the basis of the letter dated 01.01.1997 (Annexure RA/1), letter dated 11.02.1997 (Annexure RA/2), letter dated 15.03.1999 (Annexure RA/3) and letter dated 20.04.1999 (Annexure RA/4). These letters were not placed on record by the respondents in the aforesaid OA although Respondent No. 4 had filed the reply whereas Respondent No. 5 did not choose to file the reply in the aforesaid OA. The Review Applicants have contended that the facts, as disclosed by the aforesaid letters were not brought on record and as such, the Review Applicants wants re-hearing of the matter.

2. After discussing the aforesaid documents, which have been placed on record now by filing the Review Applications, Respondent nos. 4 & 5 in the OA/Review Applicants have averred that "the above facts were not brought on record before the Hon'ble Tribunal" without disclosing any reasons why these letters which they want to place on record now were not brought on record by them during the pendency of Original Application. It is not the case of the Review Applicants that documents which are sought to be placed on record was not within their knowledge or could not be produced by them at the time when the order was made despite exercising due diligence. As such, the power of Review cannot be exercised in the facts & circumstances of this case.

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3. The power of review available to the Tribunal is the same as has been given to a Court under Section 114 read with Order 47 CPC. The power is not absolute and is hedged in by the restriction indicated in Order 47. The power can be exercised on the application of a person on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not produced by him at the time when the order was made. The power can also be exercised on account of some mistake or error apparent on the face of the record or for any other sufficient reason. A review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier that is to say the power of review can be exercised only for correction of a patent error of law or fact which stares in the face without any elaborate argument being needed for establishing it. This is what the Apex Court has held in the case of Ajit Kumar Rath vs. State of Orissa, AIR 2000 SC 85.

4. Thus the reviewing the matter on the basis of principle laid down by the Apex court in the case of Ajit Kumar Rath (Supra), we are of the view that the Review applicants have not made out any case for reviewing the judgement dated 12.02.2008. The Review applicants have not disclosed any reason why the documents which they now sought to place on record were not produced till the time when the order was made. Accordingly, both the Review Applications are dismissed by circulation.

5. In view of the order passed in Review Application, MA No. 120/2008 and MA No. 121/2008 for condonation of delay shall also stand disposed of accordingly.


(J.P. SHUKLA)
MEMBER (A)

AHQ


(M.L. CHAUHAN)
MEMBER (J)