

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH

RA No. 17 of 1996 & MA No. 155/96

Decided on 3.1.97

in
O.A. No. 56/1995

Union of India through the General Manager
Western Railway, Church Gate, Bombay & Others

Applicants

VERSUS

Ram Preatap Meena & Others

Respondents

O R D E R

This is a Review Application filed against the orders passed in OA No. 56 of 1995 by which the applicants in that OA were directed to approach the Regional Labour Commissioner concerned for adjudication in the matter and for a decision regarding categorisation of Essentially Intermittent of continuous duties. The applicants in the matter had also prayed for through an MA filed on 6.11.95 that the respondents may be directed not to utilize the applicants as Assistant Station Masters and Station Masters/Station Superintendents in Essentially Intermittent categorisation and ask them to work for more than 8 hours a day and enforce the continuous classification as decided by the Regional Labour Commissioner.

2. We had already held in the OA that ~~since~~ the orders in this regard were passed by the Regional Labour

Commissioner not in compliance with the Tribunal's direction but as independent orders made on reference or applications of non applicants. Even in the OA 608/94 disposed of on 15.12.1994, the applicants were directed to agitate their grievances before the Regional Labour Commissioner, having jurisdiction of the application by way of filing an appeal before him. In the Review Petition, the Petitioners/Respondents have submitted that non-petitioners in the Review Petition have been given second chance for adjudicating the same matter before the Regional Labour Commissioner which is not permissible.

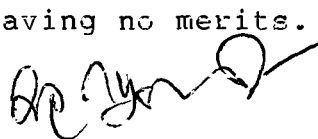
3. A Review Petition under order 47, Rule -1 of the Code of Civil Procedure is required to be filed wherein an error apparent on the face of record has to be brought to notice. Merely stating that there is error apparent on the face of judgment is not sufficient. The review applicants should have pointed out the error which has crept in the judgment under review. Review application cannot be utilised for rearguing the case trans~~versing~~versing the same ground. Review of judgment is a serious matter. Resort to review of a judgment should only be made when there is a glaring omission, or apparent mistake or grave error which has crept in by judicial p~~att~~ibility. A party is not entitled to seek a review of the judgment delivered by the Tribunal merely for the purpose of rehearing and fresh decision of the case. In support of this, a full Bench judgment of the CAT in the case of J.Soloman and others vs. Union of India, (1995) 29 ATSC (FB) 252 is given in this case.

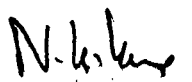
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4. The matter was decided earlier by the Regional Labour Commissioner and we had decided that it is for the same Regional Labour Commissioner to give a decision on the representation of the applicants in that OA. We are further fortified in that view by the judgment of the Hon'ble Supreme Court in K.P.Gupta vs. Controller of Printing & Stationery decided on 18.10.95 and cited as 1995(5) SLJ 763 wherein it has been decided that Tribunal has no jurisdiction to decide the matter which fell under the corresponding law of the Payment of Wages Act and other laws under the Industrial Disputes Act.

5. As per law, the decisions regarding Essentially Intermittent have to be adjudicated by the Regional Labour Commissioner, and it is for that Commissioner to give final decision in the matter. In view thereof, this Tribunal also does not have any jurisdiction to sit in an appeal over the decision of the Labour court or Labour Commissioner.

The Review Petition is accordingly dismissed as having no merits. By circulation.


(Ratan Prakash)
Judicial Member


(N.K.Verma)
Administrative Member