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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH:
J A I P U R.

P.A. No. 45/96 (CA 478/95)
&
M.A. No. 534/96

Date of order: 26.5.1997

Union of India and others : Review-petitioners

Vs.

Shri Biri Singh : Respondent

Mr. M. Rafiq, counsel for the petitioners
Mr. Shiv Kumar, counsel for respondent

CORAM:

HON'BLE SHRI PATAK BHAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI PATAK BHAKASH, MEMBER (JUDICIAL))

The petitioners Union of India and others who were respondents in OA No.478/95 (Biri Singh Vs. Union of India and others) have filed this review petition under Section 22(3)(f) read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 for review of the order dated 17.10.1996 mainly on the ground that during the pendency of the OA the applicant has made a request for transferring him to any of the places viz., Hindaun, Bayana or under the Depot at Bharatpur, which fact could not be brought to the notice of the Tribunal till the time of disposal of the OA.

2. Looking to the grounds taken by the review petitioners; the respondent Biri Singh was also issued a notice in the review petition. The respondent Biri Singh has also filed a reply to the review petition.

3. I have heard the learned counsel for the parties and have gone through the order dated 17.10.1996 passed

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in OA No.478/95 and review petition, its reply and also the contents of the additional affidavit and documents annexed therewith filed on behalf of the petitioners Union of India and others in this review petition.

4. The OA., was disposed of by giving the following directions:-

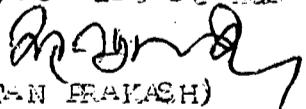
"9.....Respondents are directed to take the applicant Shri Biri Singh on duty at Bayana and to spare respondent No.6 Shri Francis 'B' to join his duties at Tuglakabad with immediate effect. For the purpose of assigning seniority to the applicant as per Regulation No.310 of I.R.E.M. Vol.I, the applicant would be deemed to have joined his duties at Bayana on 31.7.1995. However, since the applicant has been allowed to join at Tuglakabad by virtue of order dated 1.1.96 passed by the Tribunal, the respondents would issue appropriate orders for adjustment of payment of his salary as per rules. To comply with the directions aforesaid, the respondents and the applicant are given two weeks time."

5. After hearing the learned counsel for the parties, it is made out that the applicant/has been transferred to Vikramgarh Alot vide order dated 9.2.1996 (Annex.RA-1) in pursuance of his requests made on 14.7.1995 and followed by his request dated 29.11.1995 and has also joined the new place of posting during the pendency of the OA. Since the applicant Biri Singh has initially approached the Tribunal to claim the relief in the OA, it was his primary duty to inform the Tribunal about this development before the disposal of the OA. The respondent Railways (petitioners herein) are also

equally responsible for it.

6. It is settled law that review is permissible only within the four-corners of Section 92(3)(f) read with Rule 17 of the C.A.T. (Procedure) Rules, 1987 and Order 47 Rule 1 read with Section 115 of the Code of Civil Procedure. The development which has taken place during the pendency of the OA, though within the knowledge of both the parties was not brought to the notice of the Tribunal before the pronouncement of the order dated 17.10.1996 in the OA. This fact by itself which has been brought to the notice now after the disposal of the OA would not constitute a ground for review of the order passed in the OA.

7. The review petition, therefore, is not maintainable and is hereby dismissed. However, before parting with this review petition, in the peculiar facts and circumstances brought to the notice of the Tribunal, it may be observed that the review petitioners (respondents Railways) would be at liberty to sort out the implications at their own level arising out of the posting of the applicant Biri Singh at Vikramgarh Aot, during the pendency of the OA; which fact could not be brought to the notice of the Tribunal before the disposal of the OA. No order as to costs. MA 534/96 also stands disposed of accordingly.


(RATAN PRAKASH)
MEMBER (J)