

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. R.A. No. 18/99 .. of
(O.A. No. 161/97)

DATE OF DECISION... 14.3.00....

Sri Biswanath Thakur

PETITIONER(S)

Sri B. Malakar

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

RESPONDENT(S)

Union of India & Ors.

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE SRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J).

1. Whether Reporters of local papers may be allowed to see the judgment ? *No*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (J).

Lakshmi Swaminathan

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No. 18 of 1999(O.A. No. 161/97).

Date of order : This the 14th day of March,2000.

Hon'ble Mr. Lakshmi Swaminathan, Member (J).

Hon'ble Mr. G.L.Sanglyine, Administrative Member.

Shri Biswanath Thakur
Resident of Beltola,
District Kamrup, Assam

...Review Applicant

By Advocate Mr. B. Malakar

-versus-

1. The Union of India,
represented by the General Manager,
Assam Telecom Circle,
S.R. Bora-Lane,
Guwahati.

2. The Telecom District Manager,
S.R.Bora Lane,
Guwahati.

3. The Divisional Engineer(P & A),
S.R.Bora Lane,
Guwahati.

...Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

MRS. L. SWAMINATHAN, MEMBER(J),

Learned counsel for the Review applicant has submitted that ~~the~~ paragraph 3 of the Tribunal's Order dated 1.9.99 has referred to the appearance of the applicant in the Screening Test held on 5.6.1994. He has, however, submitted that the applicant was also sent for another training commencing from 5.6.1995 to 25.8.1995 (Annexure-II). According to the applicant he was successful in the said training. He submitted a representation which was disposed of by the respondents

12

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on 25.9.1996 (Annexure-VII), which had been impugned in O.A. No. 161/1997. The learned counsel has contended that the Tribunal had not referred to the subsequent training which the applicant attended ~~to~~ and was successful and the omission to mention this, amounts to an error in the order dated 1.9.1999, as only the previous training has been referred to i.e. 5.6.1994. In these circumstances the learned counsel has prayed that the order dated 1.9.1999 may be recalled and the O.A. may be heard on merits.

2. The learned counsel for the respondents, on the other hand, has submitted that the aforesaid order of the Tribunal is on merits and does not call for any review.

3. After hearing the learned counsel for the parties and on perusal of the records, we find merit in the submission made by Sri B. Malakar, learned counsel for the review applicant. It is seen from the perusal of the Tribunal's order dated 1.9.1999, that there has been no reference to the applicant being sent and having attended the training of June 1995 to August 1995. In his representation dated 11.9.1996 (Annexure-VI) he had also referred to that particular training. It is, however, seen from the letter dated 25.9.1996 (Annexure-VII) issued by the respondents ^{that they} ~~to~~ have referred to the screening test held on 25.6.1994, for which according to them he was sent erroneously. They have however, not submitted anything about the training for which he had been sent with effect from 5.6.1995 to 25.8.1995

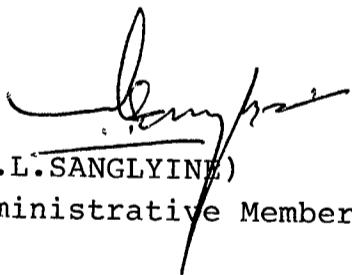
which has also not been referred to in the aforesaid order of the Tribunal.

4. In the facts and circumstances of the case, and having regard to the settled law, there appears to be an omission which amounts to an error on the face of the records/order dated 1.9.1999, ^{and it} appears to be a fit case to allow the Review Application.

5. In the result, for the reasons given above, Review Application 18/99 is allowed. The order dated 1.9.1999 passed in O.A. 161/97 is recalled and the O.A. is restored to file.

6. As the respondents have not filed written statement in the O.A., therefore, Sri Deb Roy, learned ^{and is allowed 18} Sr. C.G.S.C. seeks four weeks time to file written statement to the O.A.

List the O.A. 161/97 on 5.4.2000 for hearing.


(G.L.SANGLYINE)
Administrative Member


(LAKSIMI SWAMINATHAN)
Member (J)

trd