

FORM NO.4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWATI BENCH ::::: GUNAHATIReview ORDER SHEET
APPLICATION NO

3 OF 2001 (O.A. 217/98)

Applicant (s) All India Central Board
of Secondary Board Employees Association

Respondent(s) U.C.I. Govt. NER

Advocate for Applicant(s) Mr. Adil Ahmed

Advocate for Respondent(s) CASE

Notes of the Registry Date Order of the Tribunal

A Review petition u/s 8.2.01
22(f) of the CAT Act, 1985 has
been filed for review of the
common judgement and order
dated 22.12.2000 passed
by this Hon'ble Tribunal in
O.A. 217/98.

Final before the Hon'ble
Court for further orders.

12.3.01

Issue notice. List on 12.3.01
for Admission.

I.C.U. Sharmin
Member Vice-Chairman

NS
9/03/01

List on 10.4.01 to enable
the respondents to obtain necessary
instructions.

I.C.U. Sharmin
Member

Vice-Chairman

1m

After
Section 8(3)(b)

10.4.2001

List the case before the Division
Bench on 25.4.01 for admission.

Vice-Chairman

14-2-2001

Service of Notice issued
to the respondents
vide O. No. 559-S & 2 dt.
P.S. 2:01
Bee

nkm

25.4.01

By this Review Application the applicant has sought for review of the judgment and order dated 22nd December 2001 passed in O.A. No. 217 of 98. The above mentioned O.A. was disposed of alongwith O.A. Nos. 149 of 99, 274 of 98, 297 of 98, 296 of 98 and 187 of 98 and host of cases. Mr. A. Ahmed learned counsel for the applicant submitted that though the Tribunal dismissed the petition of the applicants and alongwith other other connected applications holding that the applicants were not entitled to the payment of SDA on the ground that they did not have all India transfer liability. The said findings of fact is patently perverse and contended Mr. Ahmed submitted that in this O.A. the applicants were very much entitled to SDA like other person, were since they/are having all India transfer liability and all India seniority and the seniority is determined on the all India basis. We are afraid that it is not permissible for us to hear the matter afresh which was adjudicated upon by the judgment and order dated 22.12.2000. The Tribunal held that these applicants were like others were residents of N.E. Region and they were locally recruited and they are not having all India transfer liability. However, we do not find any patent error on the face of the records nor do we find any ground to exercise the review of jurisdiction. Mr. Ahmed however submitted that the matter may be remitted to the authority for ascertaining as to whether the applicant in fact do not have any all India transfer liability.

contd/-

Notes of the Registry	Date	Order of the Tribunal
Received for C.G.WB/NBR/6417. Dated 26/4/01 30.4.2001	25.4.01 1m NS 26/4/01	On the facts situation we express our inability in view of the order earlier pronouncement by this Tribunal in exercising review jurisdiction. Missed Review Application is accordingly dismissed. K. (Signature) Member J. (Signature) Vice-Chairman
<u>15.5.2001</u> Copy of the order has been sent to the Office for issuing the same to the L/Adv or the respd.		

Notes of the Registry	Date	Order of the Tribunal