

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-45/2014 in
OA-2814/2012**

Reserved on : 12.02.2016.

Pronounced on : 16.02.2016.

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Sh. Birbal Singh,
S/o Sh. Ram Bahadur Singh,
R/o 44/5, Railway Colony,
Krishan Ganj, Delhi.

..... Review Applicant

(through Sh. A.K. Bhakt, Advocate)

Versus

Union of India, through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Deputy Chief Engineer,
Northern Railway,
Bridge Line, Tilak Bridge,
New Delhi.

..... Respondents

(through Sh. Shailendra Tiwary, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed by the OA applicant for review of our order dated 26.08.2013 by which the OA was dismissed. The respondents in OA as well as in this review application have filed their reply opposing the review application on the ground that no error apparent on the face of the record has

been pointed out by the review applicant and he was only wasting the time of this Tribunal being a chronic litigant.

2. We have heard both sides and have perused the material on record. Learned counsel for the review applicant stated that this Tribunal had failed to consider that while harsh action of compulsory retirement had been taken against the applicant, some other employees, who had even undergone more than one year of rigorous imprisonment, were still working as drivers in the department. However, we notice from the pleadings in the O.A. that this ground had not been taken by the applicant at the time of decision of his OA. Hence, he cannot be permitted to raise this new ground in the review application.

2.1 Next, learned counsel for the review applicant submitted that this Tribunal has stated in the order that the applicant was not aggrieved by the orders of the Disciplinary Authority or the Revisional Authority whereas this was not part of the pleadings. On going through the judgment, we find that it has been stated in the same that this submission was made by learned counsel for the applicant during arguments. Hence, it has been considered by us while delivering the judgment even if it was not part of the pleadings. In our opinion, no error has been committed by this Tribunal if a submission by learned counsel for the applicant during arguments is taken into account while delivering the judgment.

2.2 Next, learned counsel for the review applicant argued that this Tribunal committed an error by stating in the judgment that the order of the Disciplinary Authority was dated 01.02.2010. On going through our judgment, we find that in the very beginning of the first paragraph, the date of the penalty order has been rightly stated as 01.02.2010. However, at the end of this paragraph on page-3 this date has been wrongly mentioned as 22.04.2009. Thus, a clerical

error has crept into our judgment, which needs correction. The date mentioned as 22.04.2009 in the second line of page-3 of the judgment should be read as 01.02.2010. However, this clerical error would not make any difference to the final outcome of the O.A.

3. No other ground was pressed by learned counsel for the review applicant. Even from the pleadings of Review Application, we notice that the review applicant has not pointed out any error apparent on the face of the record in our judgment warranting review.

4. In view of the above, this Review Application is disposed of with the directions that the date mentioned as 22.04.2009 in the second line at page-3 of our judgment should be read as 01.02.2010. No other change in our judgment is warranted. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/