

**Central Administrative Tribunal
Principal Bench**

RA No.312/2015
in
MA No.3117.2014 in OA No.4223/2011

New Delhi, this the 9th day of December, 2015

**Hon'ble Dr. B. K. Sinha, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

In the matter of:

Jaswinder Singh & Ors.Review Applicants

Versus
General Manager,
Northern Railway & Ors.Respondents

ORDER (By Circulation)

By Hon'ble Dr. B.K. Sinha, Member (A):

By means of this Review Application, the review applicants have sought review of the Tribunal's order dated 07.10.2015 rejecting the MA No. 3117/2014 filed by the applicants seeking amendment in memo of parties after pronouncement of the order in OA No.4223/2011 on 27.08.2014. The Tribunal's order dated 07.10.2015 reads thus:-

"Heard the learned counsel appearing for the respondents.

He submits that the order has been passed way back on 12.08.2014 in OA No.4223/2011 and that it had been after two years that the applicant filed MA No. 3117/2014. He further submits that upon receiving certain information it came to the notice of the applicant that while filing the amended memo of parties, he had filed a wrong memo of parties in the OA. Therefore, the applicant has filed

MA for amending the memo of parties. Once the order has been pronounced, court has become functus officio and it is beyond its competence to amend the memo of parties. If the applicant has any grievance, he may approach appropriate forum for due course of action. None appeared for the applicant. The MA stands dismissed."

2. Having gone through the review application, we find that the grounds taken by the applicants are similar as had been taken by them in MA No.3117/2014 except that the order under review had been passed in absence of their counsel as he could not come present on 07.10.2015 due to wrong noting of the date in his diary.

3. We take note of the fact that though the learned counsel for the applicants was not present on 07.10.2015, but the Tribunal dismissed the MA on merits and not in default for prosecution. Hence, we are of the view that presence of the counsel for the applicants would not have made much difference.

4. We have also gone through the contents of MA No.3117/2014 wherein the applicants have themselves admitted that they filed one MA No.463/2013 seeking amendment of the OA, which was allowed by the Tribunal vide order dated 05.04.2013 and accordingly the amended OA was filed on 06.05.2013, but realizing that the said amended Memo did not contain Memo of parties, the applicants filed yet another MA No.1900/2013 on

11.07.2013 for placing on record the amended memo of parties.

5. We also take note of the fact that after having considered all the grounds taken in MA No.3117/2014, the Tribunal dismissed the same of merit vide order dated 07.10.2015 review whereof is sought in the present RA.

6. As has been noted in earlier part of the order, the applicants have not come with any new grounds for seeking review of the Tribunal's order dated 07.10.2015 other than what has already been taken in the MA No.3117/2014. We are also of the view that when the applicants themselves are not vigilant enough to present their case in right perspective then how they can expect the Tribunal to bat on their behalf.

7. In view of above discussion, we find no merit in the instant Review application and the same stands dismissed by circulation leaving the parties to bear their own costs.

(Raj Vir Sharma)
Member (J)

(Dr. B. K. Sinha)
Member (A)

/Ahuja/