

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 178/2004

IN

O.A. No. 1038/2003

NEW DELHI THIS 20th DAY OF JULY 2004

HON'BLE SHRI S.A. SINGH, MEMBER (A)

1. Sanjay Kumar
2. Satbir Singh
3. Manoj Kumar
4. Dilshad Bano
5. Yogender Mehta
6. Mithlesh Paswan
7. Partap Singh Rana
8. Chander Pal

.....Review Applicants

(All C/o Sanjay, S/o Late Shri Jai Chand
R/o House No.3938, Street No.13, Shanti
Mohalla, Gandhi Nagar New Delhi.)

versus

1. Commissioner of Customs (Administration)
I.G.I. Airport
New Delhi
2. Chief Commissioner,
Central Excise, C.R. Building
New Delhi
3. Ministry of Finance
through its Secretary
Department of Revenue
General Administration(R)
North Block
New Delhi.

.... Respondents

O R D E R (BY CIRCULATION)

The present R.A. No.178/2004 has been filed by the
applicants for review of the order passed in OA No.
1038/2003 on 12.4.2004.

dh

2. The ground for seeking reliefs in the present RA is that the Tribunal has not considered relief sought for by the applicants properly, and in spirit, and that principle of res judicata did not apply as the relief sought in the OA No. 1038/2003 is different to the earlier OAs. Further, there is an error apparent on the face of the record that letter dated 30.3.99 was issued from the office of Commissioner of Customs (Gen.), New Customs House, New Delhi, by which the applicants were engaged in the office of Faridabad Division, thus they have claimed for engagement to the office of the Commissioner and this cannot be turned down.

3. The relief clause 8 a) of the OA is read as under:

" 8. a) issue a Writ of Mandamus or any other Writ of the like nature directing the respondents to re-engage the services of the applicants in preference to junior, freshers and outsiders as the respondents have appointed juniors to the applicants which is evident from their office orders dated 20.08.99, 9.5.2002, 4.6.2002, 5.7.2002 and the latest order dated 4.3.2003 attached as Annexure A-4 (colly) and also in view of the fact that large number of vacancies of daily wagers are lying vacant due to appointment of sepoys from daily wagers. "


4. From the order in the judgement dated 12.4.2004 it is apparent that it is in relation to the relief clause reproduced above. Further issue raised in this RA have already been adjudicated in the judgement.

5. By filing the present RA, the applicants wants to ~~be-argued~~ the whole case again which is not permissible. While delivering the judgement the Review Applicants were duly heard as such the RA has no merit. There is no error apparent on the face of the record which

de

could call for a review of the order. Further this RA does not come within the ambit of order 47 Rule 1 CPC read with Rule 22(3) (f) (i) of the Administrative Tribunal Act.

6. In view of the above, nothing survives in the RA, which is accordingly dismissed in circulation.


(S.A. Singh)
Member (A)

Patwal/