

(27)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH,**

**RA NO. 124/2004
MA NO. 998/2004 IN
OA NO. 3104/2002**

New Delhi, this the 13th day of March, 2007

**HON'BLE SH. L.K.JOSHI, VICE CHAIRMAN (A)
HON'BLE SH. MUKESH KUMAR GUPTA, MEMBER (J)**

Shiv Kumar Sharma
S/o Sh. Madhav Prasad,
Working as Goods Guard officiating,
Pointsman 'A' at Station Superintendent,
Northern Railway, Rewari,
Bikaner Division,
R/o 14/S, Shiv Colony, Near High School,
Rewari (Haryana).

(By Advocate: Sh. H.P.Chakravorty)

Versus

1. Union of India through
The Chairman,
Railway Board,
Principal Secretary to Govt. of India,
Ministry of Railways,
Rail Bhawan,
New Delhi-110001.
2. The General Manager,
Northern Railway,
Baroda House,
Kasturba Gandhi Marg,
New Delhi-110001.
3. The Divisional Railway Manager,
Northern Railway,
Bikaner (Raj.)

(By Advocate: Sh. R.L.Dhawan)

ORDER (ORAL)

Hon'ble Sh. Mukesh Kumar Gupta, Member (J)

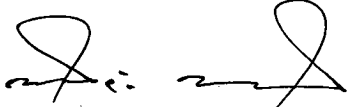
Vide MA No.998/2004, applicant seeks oral hearing in RA. MA is allowed.

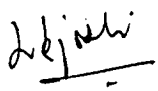
2. Heard. Applicant seeks review and recall of an order dated 15.12.2003 passed in OA-3104/2002. It is contended that relief prayed vide para 8.1 as well as 8.2 of the OA were not redressed and adjudicated by this Tribunal while deciding aforesaid OA. It was pointed out that on earlier occasion, applicant filed OA-1743/1998 which had been disposed of vide order dated 16.11.2000 issuing direction to respondents to consider suitable modification in the letter dated 6.3.1999 and open the avenue of promotion to

Pointsman category, to which applicant belongs. Earlier the condition imposed had been that where Switchman grade does not exist, other categories namely, Cabinman, Leverman, Pointsman would be considered for promotion for next higher post of Goods Guard. Pursuant to the order dated 16.11.2000, Northern Railway issued order dated 5.9.2001 and provided that all Pointsman of "Bikaner Division" would be allowed to participate in the selection of Goods Guard within the quota of 7% out of 60% of Ranker quota fixed for Switchman, Cabinman and Pointsman. The said communication dated 5.9.2001 was challenged by applicant vide aforesaid OA-3104/2002. The Bench noticed that as this was the prayer sought earlier and now respondents have opened the avenue of promotion which is not dependable on availability or otherwise of Switchman category, the OA was disposed of with a direction that if the applicant apply for the said post, and was eligible he would be considered for said post of Goods Guard.

2. Sh. R.L.Dhawan, counsel for respondents pointed out that earlier the applicant was posted within the jurisdiction of "Bikaner Division". On reorganization of Railways w.e.f. 1.4.2003 he became part and parcel of Jaipur Division being posted at Rewari. In the circumstance, it is contended that benefit of the said order dated 5.9.2001 will be inapplicable to applicant as it was available to only those who were posted at "Bikaner Division".

3. In view of above, we find no merits and error apparent on the face of record in aforesaid order dated 15.12.2003. Accordingly, RA fails and is dismissed.


(MUKESH KUMAR GUPTA)
Member (J)


(L.K. JOSHI)
Vice Chairman (A)

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