

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK,**

**ORDER SHEET**

COURT NO. : 1

05/03/2020

R.A./260/87/2019

O.A./260/444/2019

M/O RAILWAYS

-V/S-

J GUPTA

ITEM NO:6

FOR APPLICANTS(S) Adv. : Mr. T. Rath

FOR RESPONDENTS(S) Adv.: Mr. B.S. Tripathy

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the Review Applicant and Respondents.</p> <p>It is submitted by the applicant's counsel that the order dated 08.08.2019 by which the O.A. was disposed of at the admission stage, there were some factual errors in the said order in the submissions on behalf of the respondents' counsel to the effect that the ACRs of the applicant for the year 2004-2005 and 2005-2006 (Part) were communicated to the applicant and not for the year 2003-04 as stated in the order dated 08.08.2019. This error was due to mistake in the instruction communicated to the respondents' counsel. It is also submitted by respondents' in the RA that the rule does not permit consideration of the representation in the matter.</p> <p>Ld. Counsel for the Review Respondent opposed the R.A. on the ground of delay, stating that the respondents do not want to consider the matter as per the direction of the Tribunal in view of the submissions in the RA. He also filed a copy of the order of Hon'ble High Court and Hon'ble Supreme Court in the case of K. Ajit Babu and Others Vs. Union of India and Others in support of his contentions against the RA.</p> <p>Taking into consideration the fact that the direction was given vide order dated 08.08.2019 without going into the merit of the matter, directing the respondents to consider the matter as per provisions of law keeping in mind the order passed by this Tribunal in another OA copy of which is enclosed at Annexure-A/10 of the OA, we are of the opinion that no review of the impugned order is called for and the RA is not maintainable as per provisions of law.</p> <p>In the circumstances it was not expected from the respondents to aver at the end of the Para-6 of the RA without complying the order dated 08.08.2019 that the rules not permit consideration of</p>

any representation in the matter which cannot be a valid ground for review. Accordingly, the R.A. is dismissed at this stage with the observations that the respondents will consider the matter as per the order dated 08.08.2019 of this Tribunal taking into consideration the ACRs which have been communicated to the applicant.

Copy of this order be given to Ld. Counsels for both the sides.

( SWARUP KUMAR MISHRA)  
MEMBER (J)

( GOKUL CHANDRA PATI)  
MEMBER (A)

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