

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
MA/050/00422/2019
[Arising out of OA/050/00479/2019]

Date of order: 30.01.2020

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER



Alok Kumar, Son of Sri Yogendra Kumar Keshri, Ex. Senior Section Engineer/Electric/Drawing, office of the Chief Administrative Officer (CON), East Central Railway, Mahendrughat, Patna, Resident of Masaurhi, Main Road, near SBI ATM, District- Patna- 804452 (Bihar).

.... Applicant.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the Chairman, Railway Board, Ministry of Railways, Government of India, Rail Bhawan, New Delhi- 110001.
2. The General Manager, East Central Railway Hajipur, PO- Digghi Kalan, PS- Hajipur, District- Vaishali at Hajipur, Pin Code- 844101 (Bihar).
3. The General Manager (Personnel), East Central Railway Hajipur, PO- Digghi Kalan, PS- Hajipur, District- Vaishali at Hajipur, Pin Code- 844101 (Bihar).
4. The Chief Administrative Officer (CON), East Central Railway, Mahendrughat, Patna- 800004.
5. The Deputy Chief Personnel Officer (Construction), East Central Railway, Mahendrughat, Patna- 800004.
6. The Senior Personnel officer (Construction), East Central Railway, Mahendrughat, Patna- 800004.

.... Respondents.

By Advocate: - Mr. Vinay Kumar, ASC

ORDER
[ORAL]

Per Dinesh Sharma, A.M:- In the instant MA, the applicant has prayed for recalling the order passed by this Tribunal dated 25.10.2019 passed in RA 51/2019 (In OA 479/2019). The applicant has alleged that

he had mentioned the instant RA on 25.10.2019 for fixing a date of hearing in the RA and this Tribunal had fixed the date of hearing on 06.11.2019. The applicant however later found that the RA was not listed on 06.11.2019 and that it was dismissed on 25.10.2019 which is not in consonance with the order passed by the Hon'ble High Court which granted liberty to the applicant seeking relief of being permitted for making a representation before the Railway Board which ought to have taken a final decision in the matter. The applicant has alleged that if the order dated 25.10.2019 is not recalled, the applicant will face irreparable loss.



2. The matter was heard. The learned counsel for the applicant pleaded for recalling this Tribunal's order dated 25.10.2019 under review arguing that the direction of the Hon'ble High Court has not been heeded. We have gone through the decision of this Tribunal dated 25.10.2019. The decision is clearly passed after full application of mind and it mentions the order of Hon'ble High Court passed in CWJC No. 19255/2019. The order gives clear reasons why the relief claimed by the applicant could not be given in the review petition. Thus, it is an order which has been passed after considering the review petition for which liberty was granted by the Hon'ble High Court. The review order clearly mentions that the Hon'ble High Court has not mentioned anything about the merits of the ground on which the applicant is seeking review and they had granted liberty for filing the review on the applicant's own

application to withdraw that writ petition. We also do not find any record to show that the review petition was fixed for hearing on any date before the Tribunal. It was decided, following the normal practice by circulation amongst the Members. Recalling this order, or amending it on the basis of the MA filed now, would amount to breaking the cardinal principle of reviewing one's own order without there being any sufficient reason (error apparent on the face of record, mistake of facts etc.). The MA is, therefore, dismissed.



[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member