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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No. 25/2003 In
O.A. No. 1171/2001

New Delhi this the ^{24th} day of January, 2003

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Shri Rishi Deo,
S/o Late Shri Chaitar Ram,
working under Deputy Chief Engineer (Construction),
Shivaji Bridge,
New Delhi.

-Applicant

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. Chief Administrative Officer (Construction)
Northern Railway,
Head Quarter Officers: Kashmiri Gate,
Delhi-110006.
3. Divisional Railway Manager,
Northern Railway, New Delhi.
4. Deputy Chief Engineer (Construction)
Northern Railway, Shivaji Bridge,
New Delhi.

-Respondents

ORDER (By Circulation)

Hon'ble Shri V.K. Majotra, Member (A)

This application has been made by the applicant seeking review of order dated 11.12.2002 in OA No. 1171/2001. Mainly, the following grounds have been stated for seeking review of the order in question:-

1) Respondents have wrongly stated that applicant had appeared in the written test. He had appeared in the viva voce test only held on 27.9.99 and was declared successful in the same. However, the Tribunal had accepted that applicant had been put to written test.

2) Tribunal had held that applicant had completed three years as on 1991 while the

applicant had completed three years of ad hoc service as Clerk on 7/8.5.1987.

2. Applicant has stated that he has filed a Writ Petition before the Hon'ble High Court being Civil Writ Petition No.87/2003. During the course of the arguments before the Hon'ble High Court, it transpired that legal remedy for correction of the factual error is to file a review petition. Hence this review petition.

3. The relevant portions of para-4.4 of OA-1171/2001 are re-produced below:-

"The respondent No.2 vide order dated 1.10.1999 issued order stating that the applicant reported in the office and had appeared in the written test for regularisation as MCCs/Clerk. The applicant was shown at Serial No.20.

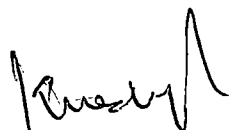
True copy of order dated 1.10.1999 is annexed herewith at Annexure P-8.

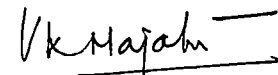
The applicant was declared successful in the written test and also appeared in the viva-voce test fixed on 11.10.1999 vide order dated 27.9.1999 issued by respondent No.2"

4. These are applicant's own averments that he had appeared in the written test for regularisation as MCC/Clerk and that he had been declared successful in the written test and also appeared in the viva-voce test. When the applicant has himself stated in the OA that he had appeared in the written test and also filed supporting documents in that connection and when the respondents had also admitted that the applicant had taken the written test and qualified the same, applicant cannot be allowed to turn around and state that he had not taken any written test. Admittedly, he had appeared in the viva voce test but he had not submitted any proof regarding

having been declared successful in the same. In any case, it is immaterial whether or not he had appeared in the written test as he had not qualified in the viva voce test which was obligatory in terms of Annexure P-6 dated 2.9.99 which had not been challenged by the applicant in the OA.

5. In the light of the above discussion, no error apparent on the face of record has been pointed out by the applicant in this petition. This petition appears to be a mere attempt to re-argue the case, which is not within the scope and ambit of the review petition. The review petition is dismissed accordingly.


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)

cc.