

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-266/2003 in
OA-489/2001

New Delhi this the 6th day of July, 2004.

Hon'ble Sh. Shanker Raju, Member(J)
Hon'ble Sh. R.K. Upadhyaya, Member(A)

Sh. Durga Das Kapoor,
S/o Sh. Lal Chand,
C-66, L-Block, Saket,
New Delhi-67. Review Applicant

(through Sh. P.S. Mahendru, Advocate)

Versus

Union of India through

1. The Secretary,
Railway Board,
Rail Bhavan,
New Delhi-1.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-1. Respondents

(through Sh. H.K. Gangwani, Advocate)

ORDER (ORAL)
Hon'ble Sh. Shanker Raju, Member(J)

Heard the learned counsel.

2. Our order dated 24.4.2002 passed in OA-489/2001 is subject to review. One of the grounds taken by the learned counsel is that Railway Board letter issued in August, 1970 which does not prescribe any percentage as to upgradation has not been taken into consideration. Writ Petition No. 4600/2003 was disposed of by the Hon'ble Delhi High Court on 5.8.2003 giving liberty to the petitioner to assail his grievance in review. In the backdrop of the letter

issued in August, 1970, contentions have been put forth by Sh. Mahendru that all the incumbents are to be upgraded which is factually incorrect. considered.

3. We find from the pleadings of the OA in para 4.11 that this circular of the Railway Board has been brought to the notice and was rebutted by the respondents. From the reeading of the aforesaid circular, we find that it is in reference to the payment of arrears to material clerks who had been upgraded. As per respondents' letter dated 27.9.1963, we do not find any decision to do away 20 percentage for upgradation. As per letter dated 27.9.1963 of the Railway Board 80% incumbents are to be directly appointed and 20% are to be upgraded as material clerks. As the applicant has failed to come within 20% the decision of the Tribunal rejecting his claim does not suffer from any error on the face or discovery of any material in review. Even if letter of August, 1970 which is now being taken into consideration does not make any difference. In this view of the matter, R.A. is rejected. No costs.



(R.K. Upadhyaya)
Member(A)



(Shankr Raju)
Member(J)