

Central Administrative Tribunal
Principal Bench: New Delhi

R.A. No. 215/2000 In
O.A. No. 2066/1997

New Delhi this the 25th day of May, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Mr. V.K. Majotra, Member (A)

Union of India
through
The General Manager
Northern Railway
Baroda House
New Delhi.

-Applicant

Versus

B.S. Tyagi
S/o NC Tyagi
Bungalow No L-6, Railway Colony
Hapur, UP

-Respondent

ORDER (by circulation)

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

This is a review application seeking review of order dated 4.5.2000 in OA-2066/97 filed by the respondents in the OA. The review applicant has also filed MA-1060/2001 seeking condonation of delay in filing the RA. In this MA, the applicants ^{1/2} have stated to have filed Writ Petition on 18.8.2000 namely, 4615/2000 against the aforesaid order. The Hon'ble High Court vide order dated 6.12.2000 granted leave to the petitioner to withdraw the writ petition with liberty. The petition was accordingly dismissed as withdrawn. Thereafter this applicant has filed this R.A. on 1.1.2001.

2. MA-1060/2001 is allowed and delay in filing this R.A. is condoned.

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(2)

3. The review applicant has mainly stated that adverse ACR of the respondents was conveyed to the applicant and pending consideration of his representation against the adverse ACRs, it cannot be assumed that he would have been promoted automatically. It has also been stated that the persons who had already been promoted were not made party to the proceedings.

4. After considering the related facts, it was found that the adverse entries made in the ACRs were for the period ending 31.3.84. They were communicated to the applicant on 9.11.85 while the process of empanelment for promotion to Grade-I, I.O.W had already been initiated on 1.4.85 and the panel was published on 2.9.85 (Annexure R-I) wherein applicant's name was absent and juniors were placed in the panel. As per Railway Board's instructions dated 10.3.1989, un-communicated adverse remarks could not have been taken into consideration by the respondents for denial of promotion to the applicant. Reliance was also placed on the decision dated 8.10.97 in CWP No. 639/87 of Punjab and Haryana High Court in the matter of Ram Chand Vs. The State of Punjab and Another along with G. Rajendran Vs. Union of India & Ors ATR 1991 (2) CAT 105. The oral order in consideration is a detailed and reasoned order in which various arguments advanced by both sides were considered and adjudicated upon.

5. The present R.A is only an attempt to re-argue



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the matter afresh which is beyond the scope and ambit of a review application. The R.A. is accordingly dismissed, in circulation.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.