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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

Review Petition No. 68 of 1997

in

Original Application No. 251 of 1997

New Delhi this the 7th day of April 1997

Hon'ble Mr. Justice B.C. Saksena, ~~Acting~~ ^{Vice} Chairman

Hon'ble Mr. R.K. Ahooja, Member(A)

Pramod Kumar Gupta
S/o Sh. Radha Raman Gupta
At present residing at C-II/304
Janakpuri,
New Delhi - 110 058

.. Applicant

(By Advocate Sh. H.K. Gangwani)

Versus

1. Chairman
Railway Board
M/o Railways
Rail Bhawan
New Delhi
2. Chairman
Railway recruitment Board
Divisional Office Compound
Bombay Central
Bombay - 400 008
3. The Secretary
Railway Recruitment Board
Divisional Office Compound
Bombay Central
Bombay- 400 008
4. General Manager
Western railway
Church Gate
Bombay- 400 008

.. Respondents

ORDER

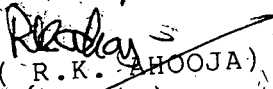
Hon'ble Mr. Justice B.C. Saksena, ~~Acting~~ ^{Vice} Chairman


A review is sought of the order dated 31.1.1997 passed in
of 1997. We have gone through the review petition. The OA
was dismissed summarily as not maintainable before the Principal

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Bench since no cause of action or part thereof had accrued to the applicant within the territorial jurisdiction of the Principal Bench. Sub rule 2 of Rule 6 of the CAT Procedure Rules on which reliance was placed by the learned counsel for the applicant to show that the OA was maintainable has been duly considered and analysed in our order passed in the OA. We had held that since the applicant has not ceased to be in service and on the contrary he is seeking a fresh recruitment the provisions of the said subrule are not attracted. It would be relevant to indicate that in the last sentence of the said sub rule the word 'such person' is significant. 'Such person' would be a person indicated in the earlier sentences of the said sub rule. The applicant clearly had not ceased to be in service by reason of retirement, dismissal or termination of service. The plea taken in the review petition that the view taken by us is incorrect with regard to the applicability of the said sub-rule is clearly untenable. The applicant has raised grounds which were duly considered and rejected in the order passed in the OA. The applicant's residence at the time of filing of the OA is irrelevant. Since he cannot be said to be 'such a person' as defined in the earlier part of sub rule 2 of Rule 6 aforesaid. The review petition does not lie for a rehearing of the issues already dealt with in the order passed in the OA. The review petition is devoid of merit and is accordingly dismissed.


(R.K. AHOOJA)
Member(A)


(B.C. SAKSENA)
Chairman
Vice