

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

Review Petition No. 68 of 1997

in

Original Application No. 251 of 1997

New Delhi this the 7/4 day of April 1997

Vice

Hon'ble Mr. Justice B.C. Saksena, ~~Chairman~~ Chairman

Re

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, ~~Chairman~~ Chairman

Vice

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. Ahuja*  
( R.K. AHOOJA )  
Member (A)

*B.C. Sakse*  
( B.C. SAKSENA )  
Chairman  
Vice

Uv/