

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

R.A.No.235/99 in O.A.No.1542/95

Hon'ble Shri Govindan S. Tampi, Member (A)  
Hon'ble Shri Shanker Raju, Member (J)

New Delhi, this the 18th day of July, 2001

(32)

1. Hansraj Wadhwa  
Asstt. Station Master  
Northern Railway  
Patel Nagar  
Delhi.
2. V.K.Tripathi  
Reserve Asstt. Station Master  
Northern Railway  
Delhi Quenz Road  
New Delhi.
3. S.P.Verma  
Asstt. Station Master  
Northern Railway  
Bikaner Division  
Railway Station Rewari, HR.
4. L.N.Yadav  
Asstt. Station Master  
Northern Division/Railway  
Bikaner Division  
Railway Stn. Kosli. .... **Applicants**

(By Advocates: Shri R.N.Singh with Shri P.N.Bhardwaj)

Vs.

1. Union of India through  
General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. Divisional Railway Manager  
Northern Railway  
Bikaner Division  
Bikaner (Raj.)
3. Divisional Personnel Officer  
Bikaner Division  
Northern Railway  
DRM Office, Bikaner, Raj.

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4. Sharad Kumar Gupta  
Vigilance Inspector  
Railway Board  
Rail Bhawan  
New Delhi. ... Respondents

(By Advocate: Shri R.L.Dhawan)

(33)

O R D E R (Oral)

By Govindan S. Tamai, Member(Admn.):

RA No.235/99 has been filed seeking recall and review of the order passed by the Tribunal on 1.9.1999 in O.A.No.1542/95.

2. Heard Shri R.N.Singh, with Shri P.N. Bhardwaj, learned counsel for the review applicants No.1, 3 and 4, i.e., Shri Hansraj Wadhwa, Shri S.P. Verma and Shri L.N.Yadav respectively and also heard Shri R.L.Dhawan, learned counsel for the respondents. During the course of the oral submissions, it was pointed out by the learned counsel for the review applicants that in Para 5 of the order it was mentioned that applicants No.1 and 3 were promoted to feeder grade only w.e.f. 1.3.1993 vide letter dated 12.1.1994 and therefore the question of their names being considered for the grade Rs.2000-3200 in upgradation did not arise due to their non-eligibility. It is pointed out by the counsel for the applicants that that was incorrect as they were promoted on 7.12.1992 and not 1.3.1993 as indicated by the respondents. Similarly, Shri L.N.Yadav, applicant No.4, promoted to the grade of Rs.1600-2660 w.e.f. 7.12.1992, is shown as working in the grade of Rs.1400-2300. These incorrect facts, as recorded in the order has resulted in justice being denied to them. This has resulted in the wrong order which

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deserved to be recalled. Shri R.L.Dhawan, learned counsel for the respondents submits, on the other hand, that the respondents have placed all the facts before the Tribunal correctly and therefore no review was warranted. However, on perusal of the relevant facts as brought on record, we cannot agree. Para 6 of the order, sought to be reviewed, refers applicants 1, 3 & 4 as having reached the feeder cadre on dates, much later than what they did, which had resulted in their being declared as ineligible or not entitled for consideration for promotion. This, in fact, is an error apparent on the record which has influenced the order. The order would therefore call for review.

3. In view of the above, we direct that the order be recalled and direct the Registry to post it for hearing on 23.8.2001 for fresh consideration.

S. Raju

(SHANKER RAJU)  
MEMBER(A)

(GOVINDAN S. TAMPI)  
MEMBER(A)

/rao/