

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

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1. Hansraj Wadhwa
Asstt. Station Master
Northern Railway
Patel Nagar
Delhi.
2. V.K.Tripathi
Reserve Asstt. Station Master
Northern Railway
Delhi Quienz 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)

O R D E R (Oral)

By Govindan S. Tampi, 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/