

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 39 of 1997 with
M.A. Nos. 298 and 299 of 1997 In
O.A. No. 1837 of 1995

New Delhi this the 3rd day of June, 1997

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

J.L. Jain
R/o Flat No.509, Plot No.02,
Sector-2,
Rohini,
Delhi-110 085. ...Applicant

Versus

1. Union of India
through Chairman-cum-Principal Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. Deputy Secretary (Estt.II),
Railway Board,
Rail Bhawan,
New Delhi.
3. Shri Chandy Andrews,
CDI/CVC as Enquiry Officer,
Jamnagar House,
Akbar Road,
New Delhi. ...Respondents

ORDER BY CIRCULATION

Hon'ble Mr. K. Muthukummar, Member (A)

Applicant seeks to review the order passed in O.A. No. 1837 of 1995. We have seen the Review Application. The applicant has tried to reagitate the pleas taken in the O.A. and also the grounds taken therein. He has also

pointed out that the applicant's averment regarding the provisions of Rule 2308 of R-II have been wrongly assumed by the Tribunal. The averments of the applicant in this regard has been taken in para in 2(ii) and 2(iii) of our order. We find that there has been no wrong assumption of the averments made by the applicant in this behalf and, in fact, the grounds taken by the applicant have been reproduced in the aforesaid paras. The applicant had challenged the vires of Rule 9 of the Railway Services (Pension) Rules, 1993 and we have indicated that this was the erstwhile Rule 2308 of the R-II and we have upheld the vires of the aforesaid rule. We have taken into account the plea of the applicant that the Railway Board on its own cannot continue the proceedings under the impugned memorandum dated 22.2.1989, before passing our orders we / finally held that the action of the respondents' taken under Rule 9 cannot be held to be illegal or bad in law.

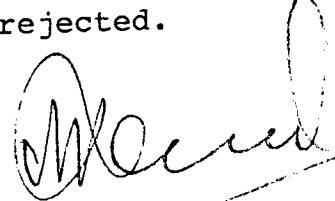
2. The applicant also submits that, by our observations in para 6 / it would not be correct to say that the entire proceedings had abated on the superannuation of the applicant on 31.10.94, the Tribunal had come to the wrong conclusion. If the applicant considers this as a wrong

3.

conclusion, the remedy does not lie in a Review Application.

3. In the light of the foregoing, we do not find any error or omission apparent on the face of the record which would warrant a review of our order passed in the aforesaid O.A. The Review Application is accordingly rejected.


(K. MUTHUKUMAR)
MEMBER A)


(A.V. HARIDASAN)
VICE CHAIRMAN

Rakesh