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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI
Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A);

2-3-2001

R. A. No. 243/1999 in OA No. 2430 of 1993.
In the matter of

All India Station Masters
Association (Northern Railway) through
1. General Secretary, Shri G.B.Bhatt.
2. Shri G.B.Bhatt
s/o Shri
Assistant Station Master
Northern Railway Delhi Jn.
Delhi.
3. Shri S.P.Trivedi, Station Master
Northern Railway, Dheerpur.
4. Shri Kartar Singh, Station Master
Northern Railway, Asaudah (Haryana) Applicants.

Advocate: Mr. B.S.Mainee.

Versus
"Min of India : Through"
1. The Secretary, Ministry of Railways
Rail Bhavan, New Delhi.
2. The General Manager
Northern Railway, Baroda House
New Delhi.
3. The Divisional Railway Manager
Northern Railway, State Entry Road
New Delhi.
4. Shri Ram Lout, Yard Master
Northern Railway, Tughklakabad.
5. Shri Saloti Singh, Yard Master
Northern Railway, Tughklakabad.
6. Shri R.P.Sharma, Yard Master
Northern Railway, Meerut.

Advocate: Mr. R.L.Dhawan.

REVIEW APPLICATION UNDER SECTION 22(3) (f)
OF THE CENTRAL ADMINISTRATIVE TRIBUNALS ACT
1985 AND RULE 17 OF CENTRAL ADMINISTRATIVE
TRIBUNAL (PROCEDURE) RULES, 1987 ON BEHALF
OF THE RESPONDENTS.

ORDER

IN

RA/243/1999 in
OA No. 2430 of 1993

per Hon'ble Mr. V. Ramakrishnan, Vice Chairman(A)

The Review Applicants seek review of our orders dated 15th July 1999 which was pronounced when I was sitting in the Principal Bench for a short duration with Hon'ble Smt. Lakshmi Swaminathan. This order was dictated in the open court by me in the presence of both counsel.

2. A copy of the order in OA/2430 of 1993 was forwarded by Principal Bench on 26.7.99. There is an M.A. for condonation of delay. It is admitted that the Registry sent the copy of the order on 26.7.99 to the counsel but it is stated that the same was received in the office of Railway administration on 22.9.1999. The subsequent delay is attributed to "administrative reasons".

This R.A. has been sent to me by Registry of the principal Bench by a letter dated 16.2.2001 and it has been received by me today (.2.3.2001) in Ahmedabad.

3. The O.A. 2430 of 1993 was filed by Station Masters and also the Association of All India Station Masters Northern Railway. The Original Applicants contended that some additional

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promotional posts were created which were meant for the cadre of Station Masters on the basis of restructuring orders dated 27.1.93 but some of them were diverted to the different cadre of Yard Masters. After hearing both the counsel and going through the materials and particularly taking into account the Railway Board Circular dated 9.2.94 that the benefit of restructuring orders should be restricted to the persons borne on the particular cadre on the cut-off date it was held by the Division Bench that the diversion of the promotional posts of Deputy Station Superintendent meant for the Station Master cadre is not proper and it should have been restricted to the cadre of Station Master and the O.A. was disposed of accordingly.

4. The Railway administration, (the Original respondents) have now filed the Review Application where they refer to some circular of 26.8.1994 where as ~~an~~ a one time exception to the instructions contained in the Board's letter dated 9.2.94, it was decided that the Northern Railway may fill up the vacancies of Dy. S.S. & S.S. arising out of the restructuring of all cadres on the basis of the

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combined seniority list of Station Masters, Yard Masters. This is now sought to be produced as Annexure R-3 by the ~~Original~~ ^{Review} ~~of~~ Applicants. It is also contended that this important circular could not be produced despite exercise of due diligence by the Railway administration.

5. The scope of Review Application is well settled. There is no error apparent on the face of the record. The Tribunal had gone on the basis of the materials on record including the Railway Board Circular of 9.2.94 and had taken the assistance of both the counsel. The O.A. was filed in 1993 and came up for final hearing in July 1999. During this long period the Railway respondents had not referred to any such Railway Circular as is sought to be produced at this belated stage. There is no material to substantiate their stand that the circular which is now sought to be relied upon could not be produced despite due diligence on the part of the Railways except a bald statement that it is so. It is not brought out as to what steps were taken in this regard and to explain as to why this

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circular could not be produced earlier.

6. There is an averment in the Review

application that the Railway Board letter

dated 26.8.94 addressed to the General

Manager, Northern Railway has force of

statutory provisions. It is not their

stand that such a letter has been published

in the official gazette or is a public

document and in the absence of the same,

knowledge of such instructions cannot be

presumed.

7. In my view, the grounds adduced for

reviewing the order dated 15.7.1999 lack

merit and the Review Application deserves

to be rejected.

8. This may be placed before the other

Hon'ble Member for views.

MR

Ahmedabad
Dated 2.3.2001

(V. Ramakrishnan)
Vice Chairman(A)

pmr

I agree

Lakshmi
V.C. (S.)
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