

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

Union 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, Tughlakabad.
5. Shri Saloti Singh, Yard Master  
Northern Railway, Tughlakabad.
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



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 ~~on~~ 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

combined seniority list of Station Masters, Yard Masters. This is now sought to be produced as Annexure R-3 by the <sup>Review</sup> ~~Original~~ 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

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 gazettee 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.

Ahmedabad  
Dated 2.3.2001

*V. Ramakrishnan*  
(V. Ramakrishnan)  
Vice Chairman (A)

pmr

*I agree*

*Lalji Gadhvi*  
V.C. (S.)  
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