

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

RA-54/96

in

OA-1774/93

This the 1st day of January 1997

(22)

HON'BLE SHRI S.R. ADIGE, MEMBER (A)

HON'BLE DR. A.VEDAVALLI, MEMBER (J).

Shri Subhash Kumar Kar
S/o Sh. Sushil Ranjan Kar
R/o C.R. Park,
Near Kali Bari
New Delhi.

..... Applicant

(By Advocate Shri B.S.Maine)

Versus

Union of India: Through

1. The Secretary
Ministry of Railways
Rail Bhawan
New Delhi.

2. The General Manager
North Eastern Railway
Gorakhpur.

3. The Divisional Railway Manager
North Eastern Railway
Izatnagar

..... Respondents

(By Advocate Shri B.K.Aggarwal)

ORDER

By Hon'ble Shri S.R.Adige, Member(A).

1. Heard.

2. The review applicant's main contention is that an error apparent on the face of the record has been committed in impugned judgement dated 10.1.96 in OA-1774/93 Shri S.K. Kar Vs. Secy., Ministry of Railways inasmuch as the OA was not hit by limitation, ^{as fresh} ~~on that~~ cause of action arose consequent to Railway Board's letter dated

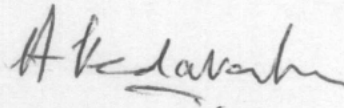
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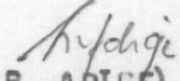
3. Railway Board's letter dated 31.3.92 relates to re-engagement of Mobile Booking Clerk's who were engaged prior to 17.11.86 and were disengaged consequent to discontinuance of scheme as a result of Railway Board's letter dated 17.11.86 or any earlier instructions (emphasis supplied).

The respondents in paras 3.3 and 3.4 of their reply to the OA had contended that the applicant had not brought anything on record to show that he had been disengaged consequent to discontinuation of the scheme and ^{this} ~~and~~ ^{also} ~~was~~ noticed by the Tribunal in para-6 of its impugned judgment, to which no specific rebuttal ~~was~~ was made in applicant's rejoinder. Under the circumstances Railway Board's letter dated 31.3.92 does not apply to the applicant and given him no cause of action to bring his case within the period of limitation under section 21 A.T. Act.

4. In the result manifestly² there is no error apparent on the face of the record in the impugned judgment, to bring it within the scope and ambit of Sec.22(3) (F) A.T. Act read with order 47 Rule 1 C.P.C.

5. The R.A. is rejected.


(DR. A. VEDA VALLI)
M(J)


(S. R. ADIGE)
M(A)