

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

New Delhi.

R.A.No.134/95

In

O.A.No.1072/93

New Delhi: July 17, 1995.

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

Shri G.B.Lall,  
s/o Shri M.B.Lall,  
R/o D-64, Anand Vihar,  
Delhi-110 092

.....Applicant.

Versus

Union of India through  
The Secretary  
Ministry of Railways,  
Railway Board, Govt. of India,  
New Delhi - 110 001.

.....Respondents.

ORDER (BY CIRCULARATION)

This is a review application bearing No. 134/95 filed by Shri G.B. Lall on 22.5.95 praying for review of judgment dated 28.4.95 in O.A.No.1072/93 Shri G.B.Lall Vs. Union of India & others.

2. In that O.A., the applicant had prayed for pay fixation in the senior scale of Rs.3000-4500 w.e.f. 1.3.89 with arrears and consequent benefits including refixation of pension .

3. The applicant originally belonged to the Railway Board Secretariat Services cadre (RBSS), and on 13.1.86 he was promoted against the ex-cadre post of Asstt. Traffic Costing Officer (ATCO) in Group 'B' (Rs.2000-3500) on ad hoc basis. The Recruitment Rules for the post of ATCO, according to the applicant, were framed on 24.7.87 and according to him he

was made eligible to count his approved service in Group 'B' only w.e.f. 19.10.87. According to the applicant, the post of Deputy Director(Stat) (Rs.3000-4500) was sanctioned as far back in 1972, but no efforts were made to fill up the post, and as no suitable officer was forthcoming, the applicant was detailed to look after the duties of Dy.Director (Stat) (Rs.3000-4500) w.e.f. 1.3.89 by operating the senior scale post of Dy.Director (Stat) as OSD(Stat) on regular basis. Another incumbent Shri R.M.Duggal, T.A. was promoted on temporary basis as ATCO vice the applicant. The order which was dated 27.6.89 (Annexure-45) pointly stated that applicant as well as Shri Duggal, Deputy Director should note that their posting / promotions were purely temporary arrangement and it would not confer any right or claim for retention of these posts or promotions against such posts in future.

4. The applicant could have succeeded only if the applicant had been able to establish that he had an enforceable right to be promoted as Dy.Director (Stat) in the pay scale of Rs.3000-4500 w.e.f. 1.3.89. The respondents in their reply had pointed out that on that date, the applicant was not eligible to hold the post of Dy.Director (Stat) as he had not even completed the probation period of two years, generally kept for Group 'B' posts of ATCO (Rs.2000-3500) and moreover, for promotion to senior/post<sup>scale</sup> of Dy.Director, a minimum of 8 years of regular service in Group 'B' posts (Rs.2000-3500) was required, which the applicant did not certainly possess.

5. Under the circumstances, the O.A. was dismissed.

6. In the review application, the very same grounds taken in the O.A. have been repeated. Under Order 47 Rule 1 CPC, the scope of review is very limited and has to confine itself to errors apparent on the face of the record, or on account of discovery of any new material or evidence, which was not within the knowledge of the party, or could not be produced by him at the time the judgment was made, despite due diligence. A review application is not an appeal in disguise. What the applicant is actually seeking to do in the guise of this review application is to appeal against <sup>the judgment d 28.4.95</sup> ~~it~~, which is outside the scope and ambit of Order 47 Rule 1 CPC.

7. This R.A. is accordingly rejected.

*S.R. Adige*  
( S.R. ADIGE )  
MEMBER (A)

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