

(26)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

R.A. No.57/1993 in
O.A. No.983/1986.

DATED:

19.4.93

Shri Lekh Raj

APPLICANT.

V/s.

Union of India

RESPONDENTS.

CORAM: Hon'ble Shri P.C. Jain, Member (J) - Now V.C.
Hon'ble Shri J.P. Sharma, Member (J).

ORDER:

The review applicant has filed this review application against the judgment order dated 8.1.1993, by which the Original Application N.983/1986 was dismissed. In that application, the applicant had prayed for the grant of relief that the withholding of his name from appearing in the viva-voce test held in the office of Divisional Railway Manager, Delhi, on 3/4-2-1986 be declared void. He also prayed for his promotion with retrospective effect from the date a person junior to him was promoted, claiming the benefit of Next Below Rule. He had also prayed that his name be included in the panel of Assistant Loco Foremen framed on 27.2.1986 and that he be given seniority according to that.

2. The applicant has not specifically stated any particular ground for review of the aforesaid judgment. He has only contended that he was the seniormost Shedman Grade A in Delhi Division and that his promotion to the post of ALF/PRC has been ignored. This matter has already been considered in the body of the judgment on the basis of the arguments addressed at the time of final hearing and keeping in view the averments made in the pleadings by the respective parties.

3. It is further contended by the review applicant that the grade of Shedman Grade-A is higher than that of the other feeder cadres like Driver Grade-C and Shedman Grade-B (Opt.) and if a combined seniority list is prepared, the applicant shall rank senior. However, this was not the relief claimed

in the Original Application, nor the seniority list was the issue in that Original Application. Thus, the applicant cannot pray for review of the judgment on the issues which were not agitated in the Original Application.

4. Further the applicant has also assailed the combined seniority list of the feeder cadres, but that was also not an issue in the Original Application.

5. As provided in Section 22(3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a civil court while trying a civil suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgment/order can be reviewed:

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) 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; or
- (iii) for any other sufficient reason construed to mean 'analogous' reason.

The case of the applicant does not fall in any of the above grounds. As such, the present Review Application is totally devoid of merits and is, therefore, rejected. BY CIRCULATION.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J)

P. C. Jain
(P.C. JAIN)
MEMBER (A)
NOW VICE CHAIRMAN.