

GENERAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 59/94 &
MAs 515, 516 & 517/94 in
O.A. NO. 1045/88

New Delhi this the 22nd day of March, 1994

CCRAM :

THE HON'BLE MR. H. P. SHARMA, MEMBER (J)
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

1. General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
New Delhi. ... Review Applicants

Versus

Phool Singh S/O Budh Ram,
Ticket Collector,
Northern Railway,
Panipet. ... Respondent

O R D E R (By Circulation)

Hon'ble Mr. S. R. Adige, Member (A) -

This is an application dated 19.1.1994 filed by the Union of India praying for review of judgment dated 12.10.1993 in O.A. No. 1045/88 - Phool Singh vs. Union of India & Ors. The copy of the judgment was issued on 18.10.1993 and in the M.A. No. 517/94 praying for condonation of delay, it has been admitted that it was received by the Union of India on 21.10.1993. The Union of India in M.A. 516/94 have stated that the delay was caused due to procedure of bottlenecks in their office. The delay is condoned.

2. In the review application, it has been stated that the judgment had erred in holding that "we note that the applicant secured a total of 59 marks out of 100 marks in the Selection test and thus secured the minimum of 50% marks in the aggregate required by SC/ST employees to make them eligible for empanelment as per rules, but as a sufficient number of vacancies were not available at the time, the applicant was not placed on the panel inspite of his eligibility."

3. It has been stated that as per policy laid down by the Railway Board, the candidates with relaxed standards are considered only when sufficient candidates belonging to SC/ST community are not available. In the instant selection, sufficient number of SC/ST candidates were available and were placed on the panel. Since the applicant was not within the zone of consideration, as such he was not placed on the panel.

4. Under Order XLVII Rule 1 Code of Civil Procedure a judgment/decision/order can be reviewed only if (i) it suffers from an error apparent on the face of record; (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 it at the time the judgment was made despite due diligence; and (iii) for any sufficient reasons, construed to mean analogous reasons.

5. The judgment dated 12.10.1993 was a considered one, which was delivered after taking into account all the available materials on record and hearing

both parties. The ground taken by the review applicants does not bring it within the four corners of Order XLVII Rule 1 CPC, as referred to above.

6. Under the circumstances, this application for review is rejected.

Anubhav
(S. R. Adige)
Member (A)

DS
(J. P. Sharma)
Member (J)

/as/