

(101)

Central Administrative Tribunal  
Principal Bench

RA 156/94  
in  
OA 989/89

New Delhi this the 5th day of September, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri R.K. Ahooja, Member(A).

1. Shri K.P. Seth,  
S/o late Shri Satya Narain,  
PWI (C), Kanpur.
  2. Shri P.K. Sarastwa,  
S/o Shri C.D. Lal Srivastava,  
PWI (Spl), Allahabad.
  3. Shri Rama Shankar,  
S/o late Shri S.C. Lall,  
PWI, Mirzapur.
  4. Shri R.S. Gangwar,  
S/o Shri Surinder Singh,  
PWI, Allahabad.
  5. Shri M.L. Agarwal,  
S/o late Shri Ram Murti Agarwal,  
PWI, Kanpur.
  6. Shri A.A. Khan,  
S/o Shri Mohd. Ali Khan,  
PWI, Kanpur.
  7. Shri A.K. Gulhara,  
S/o late Shri Mangli Pd.  
PWI, Tundla.
  8. Shri B.S. Kashwala,  
S/o late Shri Baboo Singh,  
PWI, Tundla.
  9. Shri G.N. Mishra,  
S/o Shri S.N. Mishra,  
PWI, Tundla.
  10. Shri S.C. Tewari,  
S/o Shri R.P. Tewari,  
PWI, Tundla.
  11. Shri N.K. Arora,  
S/o Shri Ram Lal Arora,  
ASS C&P, Allahabad.
- Jr

12. Shri A.K. Singh,  
S/o late Shri Anant Singh. ... Applicants.

By Advocate Shri B.S. Mainee.

Versus

Union of India through

1. The General Manager,  
Northern Railway,  
Baroda House, New Delhi.
2. The Divl. Railway Manager,  
State Entry Road, New Delhi.
3. The Divisional Railway Manager,  
Northern Railway, Allahabad. ... Respondents.

By Advocates S/Shri B.K. Aggarwal and K.N.R. Pillai.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicants have filed this Review Application (RA 156/94) praying that there are number of errors apparent on the record in the impugned judgement dated 25.2.1994 in O.A. 989/89 and have prayed for allowing the Review Application.

2. We have heard Shri B.S. Mainee, learned counsel for the applicants and Shri B.K. Aggarwal, learned counsel for the respondents and perused the record.

3. The following reliefs, as prayed for by the applicants, are allowed, namely,

8.

(1) In line 4 at page 5 of the judgement dated 25.2.1994 the words 'General Manager, Northern Railway' should be inserted in place of 'Railway Board'.

(2) In para 6 of the judgement, it was agreed by the learned counsel that Shri D.L. Sachdeva, Respondent No. 4 was also junior to four of the applicants as per the record (Annexure A-10). To this extent, para 6 stands modified.

(3) In line 23 on page 8 of the judgement, the P.W.I. Grade of 'Rs.700-900' should read as 'Rs.425-700'.

(4) In line 24 of page 8 of the judgement in view of para (2) above Shri D.L. Sachdeva is also to be considered junior to four of the applicants.

(5) Para (5) of the Review Application was not pressed by the learned counsel for the applicants.

4. Lengthy arguments were submitted in respect of para (6) of the Review Application by Shri B.S. Mainee, learned counsel for the applicants. He has contended that in the last para of the judgement, there is an error as eleven of the applicants had appeared in the selection held in Allahabad Division to fill up seven vacancies and all the eleven applicants had passed the same. He states that although only four of them, i.e. S/Shri K.P. Seth, P.K. Srivastava, R.S. Gangwar and M.L. Agarwal had been placed on the panel along with three others, the remaining seven applicants were not placed in the panel for want of

132

vacancies. He further submits that during the arguments, the applicants had produced the relevant documents that all the applicants had passed the selection and it cannot, therefore, be argued by the respondents that the other seven applicants failed in the selection only because their names did not find place in the panel. He further submits that although this point was argued at length when the case was heard, it has escaped the notice of the Tribunal and the benefit of seniority had been allowed wrongly only to four of the applicants instead of all the applicants. He, therefore, submits that there is an error which should be corrected by review of the impugned judgement dated 25.2.1994. This argument was vehemently opposed by Shri Aggarwal, learned counsel for the respondents. In the reply, the respondents have submitted that it is wrong to state that all of them had been declared successful and had passed the selection of P.W.I. Grade in Allahabad Division. They have also stated that the vacancy position was declared on 3.9.1987 which has attained finality and this cannot be questioned in subsequent proceedings. The learned counsel has, therefore, submitted that there is no error which calls for review of the impugned order.

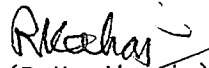
5. Having read the impugned judgement and considered the submissions made by the learned counsel, we are unable to agree with Shri B.S. Mainee, learned counsel that his contention in Para 4 above comes within the purview of the provisions of Order 47 Rule 1 CPC read with Rule 22(3)(f) of the Administrative Tribunals Act, 1985. There is no error apparent on the record but his arguments amount to rearguing the case with a view to


*for*

124

show that the decision is wrong for which the remedy cannot properly be a Review Application. Therefore, this part of the R.A. is rejected.

6. In view of the above, the Registry is directed to issue the corrections in the impugned judgement dealt with in paragraphs (1) to (4) above. Subject to this, the prayer for review of the impugned judgement dated 25.2.1994 is rejected.

  
(R.K. Ahoja)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'