CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2154/90

New Delhi this the 26th day of October, 1994

THE HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Shri Wazir Chand S/O Shri
Takhtu Ram, H. No.218-A,
Railway Colony, Jagadhri
Workshop, Jagadhri,
Distt. Yamuna Nagar (Haryana)
Presently residing at
4/35, Gita Colony, Delhi.   ...   Applicant

By Advocate Mrs. Pankaj Bala Verma

Versus

1.   Union of India through
      Secretary, Ministry of
      Railways, Govt. of India,
      New Delhi.

2.   The General Manager,
      Northern Railway,
      Baroda House, New Delhi.

3.   The Additional Chief Engineer,
      Northern Railway,
      Jagadhri Workshop, Jagadhri,
      Distt. Yamuna Nagar,
      Haryana.   ...   Respondents

By Advocate Shri O. N. Moolri

O R D E R (ORAL)

Shri Justice S. C. Mathur —

The applicant seeks quashing of the order dated
16.11.1984 passed by the Additional Chief Engineer
(Works) reverting him from the post of Chargeman
Grade-A (Rs.550-750) to the post of Chargeman Grade-B
(Rs.425-700). He has also prayed for the quashing
of adverse remarks recorded in the character rolls
for the years 1975-76, 1976-77, 1977-78, 1980-81,
1981-1982, and 1982-83, and the orders dated 28.4.1990,
6.4.1990 and 6.7.1990 whereby his representations were
rejected.

2.   The applicant was promoted to the post of
Chargeman Grade-A on 11.9.1984. The reversion
order has mentioned hereinabove was passed on
16.11.1984. Against the reversion order and the
adverse entries mentioned hereinabove, the applicant
filed O.A. No. 28/86 before this Tribunal. The
Tribunal rejected the O.A. observing that the learned
counsel for the applicant had withdrawn the challenge
against the adverse entries. The applicant thereafter
filed review application asserting that his counsel
had not withdrawn the challenge against the adverse
entries and his statement had been wrongly recorded
in the judgment of the Tribunal. The review
application was disposed of by order dated 30.3.1990.
The Bench was not satisfied with the applicant's plea
that his counsel had not withdrawn the challenge to
the adverse entries. The Tribunal while disposing of
the review application allowed opportunity to the
applicant to make representation against the adverse
entries. Thereafter, the Bench observed, "If in such
a review, the grading in the confidential reports is
changed to his advantage., the petitioner will be
at liberty to file a fresh application in the
Tribunal in accordance with law, if so advised."
(emphasis supplied).

3.   In view of the liberty granted to the applicant,
he preferred representations which were rejected by
the orders mentioned hereinabove. The authorities
have not passed any order to the advantage of the
applicant.

4. On behalf of the respondents, reply has been filed and maintainability of the present application has been challenged. In the reply, it is pointed out that a limited liberty to file fresh application had been reserved in favour of the applicant. The applicant could approach this Tribunal again only if his grading in the confidential reports had changed to his advantage.

5. We find substance in the defence raised on behalf of the respondents. We find from the judgment rendered in the review application that before the review application was disposed of, the applicant had retired from service on 31.3.1989. The Bench felt that if the applicant's grading was altered to his advantage he may be entitled to some monetary benefits. It is in this context that liberty had been reserved to the applicant to make a representation against the adverse remarks. However, the liberty to approach this Tribunal is restricted to an order to his advantage being passed. Admittedly, no order to the advantage of the applicant has been passed by the concerned authority. The applicant, therefore, cannot, approach this Tribunal again for quashing the order dated 16.11.1984 and the adverse remarks mentioned herein above.

6. In view of the above, the application is dismissed. There shall be no orders as to costs.

(P. T. Thiruvengadam)
Member (A)

(S. C. Mathur)
Chairman

/as/