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CENTRAL ADMINISTRATIVE TRIBUNAL
Principals Bench

R.A. No. 15/96 in O.A. No. 1524/91

New Delhi, dated the ^{13th} February, 1996

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Gurcharan Singh,
S/o Late Shri Jai Singh,
R/o C-214, Model Town,
Malaviya Nagar,
Jaipur,
Rajasthan

..... REVIEW APPLICANT

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divl. Railway Manager,
Northern Railway,
Bikaner.

..... RESPONDENTS

ORDER (By Circulation)

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

We have perused the R.A. In the background of Sec. 22(3)(f) A.T. Act, any judgment/order/decision of the Tribunal can be reviewed only if it falls within the four corners of Order 47 Rule 1 C.P.C. The applicant contends that the respondents' counsel did not bring to the Tribunal's notice either the Railway Board circular dated 21.4.89 nor the Tribunal's judgment dated 9.2.93 in O.A. 647/92 Shri Mehar Chand

A

22

& Ors .Vs. UOI in which he had also featured as respondents' counsel and thereby an error apparent on the face of the record has been committed.

2. In paragraph 6 of our impugned judgment dated 25.8.95 we have already stated that merely because the respondents decided by an executive order to wind up the posts of Senior Signallers and absorb surplus Signallers against direct recruitment quota posts of Guard and the applicant also successfully completed the training course for the post of Guard, does not give him an enforceable legal right for absorption as Guard against the Direct Recruitment Quota unless the recruitment Rules themselves permit so, and in the applicant's case he did not possess the minimum qualification of a University degree prescribed in the R.Rs to be considered eligible for direct recruitment. Similarly he could not be considered against the promotion quota as he did not come within any of the designated feeder categories for promotion mentioned in the RRs vide Rule 124 IREM Vol-I. The applicant has not denied that this Rule has statutory force, and that being so, ^{it} would prevail over any executive instructions issued by the Railway Board including paragraph 3(ii) of Railway Board's letter dated 21.4.89. It further appears that the CAT's judgment dated 9.2.93 in O.A. No. 647/92 has not noticed the contents of the R.Rs for filling up posts of Guards through direct recruitment/promotion which have statutory force.

23

3. Under the circumstances we cannot hold that there is any error, much less one that is apparent on the face of the record.

4. Furthermore we note that while the impugned judgment is dated 25.8.95, the R.A. has been filed on 23.1.96 i.e. after the passage of five months. Even allowing for the time taken for receiving a copy of the judgment through post, the R.A. is clearly time barred and hit by limitation but no prayer for condonation of delay has been made and there is not even a whisper by way of explanation for the delay.

5. We ^{have} considered the prayer for personal hearing in the R.A. but having regard to the facts and circumstances pointed out above, we do not see the necessity of giving the applicant a personal hearing before disposing of this R.A. Therefore, this R.A. is rejected by circulation. in accordance with Rule 17(3) CAT (Procedure) Rules, 1987.

A. V. VEDAVALLI

(Dr. A. VEDAVALLI)
Member (J)

S. R. ADIGE
(S.R. ADIGE)
Member (A)

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