

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

16

RA 104/2005
In
OA 2015/2004

New Delhi, this the 12th day of May, 2005

Hon'ble Mr. Shanker Raju, Member (J)
Hon'ble Mr. S.K. Malhotra, Member (A)

1. Om Prakash S/o Shri Rajeshwar Singh,
Working as Enquiry & Reservation Clerk,
At Central Telephone Enquiry, DRM Office,
Northern Railway, New Delhi
2. Mohd. Irfan S/o Sh. Mohd. Asraf,
Working as Enquiry & Reservation Clerk,
At Central Telephone Enquiry, DRM Office,
Northern Railway, New Delhi
3. Ajay Krishna S/o Sh. Moti Lal Tiwari,
Working as Enquiry & Reservation Clerk,
At Central Telephone Enquiry, DRM Office,
Northern Railway, New Delhi
4. B.P.S. Chauhan S/o Sh. Ram Bahadur Singh Chauhan,
Working as Enquiry & Reservation Clerk,
At Central Telephone Enquiry, DRM Office,
Northern Railway, New Delhi
5. A.K. Joshi, S/o Sh. Jagdish Joshi,
Working as Enquiry & Reservation Clerk,
At Central Telephone Enquiry, DRM Office,
Northern Railway, New Delhi
6. R.S. Bist S/o Sh. Chander Singh Bist,
Working as Enquiry & Reservation Clerk,
At Northern Railway Station, Old Delhi Jn.
7. Vijay Shakarwal S/o Sh. Inderjit,
Working as Enquiry & Reservation Clerk,
At Northern Railway Station, Nijjamuddin
8. Bairaj Singh S/o Sh. Rati Ram
Working as Enquiry & Reservation Clerk,
At Northern Railway Station, Meerut Cantt (UP)

...Applicants

Versus

1. Union of India through The General Manager,
Northern Railway, Baroda House, New Delhi
2. The Division Railway Manager,
Northern Railway, DRM Office,
Near New Delhi Railway Station,
New Delhi

... Respondents

O R D E R (In Circulation)

BY Mr. S.K. MALHOTRA, MEMBER (A):

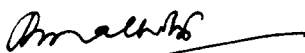
The present RA has been filed by the applicants seeking review of our
order dated 9-2-2005 in OA 2015/2004.


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2. The above order was passed by the Tribunal rejecting the request made by the applicants for considering 30% of the running allowance to be taken into consideration for re-fixation of their pay in the post of E&RC. The main point raised by them in the Review Application is that the respondents had made a wrong statement that there were no specific rules and instructions on the subject. According to the applicants, there are specific instructions according to which they are entitled for the above benefit. It has been contended that the respondents have tried to mislead the Tribunal. Secondly, this benefit is admissible even if the promotion is in a channel other than the one normally open to the running staff.

3. We have gone through the Review Application and also the order dated 9-2-2005. The Tribunal had taken a conscious decision after taking into consideration the entire material on record, the rules and regulations on the subject and the submissions made on behalf of both the parties. The findings, which are recorded in the order, do not suffer from any mistake, much less a glaring mistake, on the face of record. The applicants have also not pointed out any error in the order. It appears that by means of this Review Application, the applicants are trying to re-open the case on merit, which is not permissible under the rules in a Review Application. The provisions of Rule 1 of the Order XLVII of the Code of Civil Procedure, 1908 are also not attracted in the present case. We, therefore, do not find any merit in the Review Application, which deserves to be dismissed.

4. Having regard to the above, the RA is dismissed in circulation without any notice to the respondents.


(S.K. Malhotra)
Member (A)


(Shanker Raju)
Member (J)

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