

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

REVIEW APPLICATION NO. 275/97 IN
ORIGINAL APPLICATION NO. 1748 OF 1992

New Delhi. this the 15th day of July, 1998

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Sh. Rajender Prashad, Son of Sh. Jwala Din, Working as Assistant Superintendent (P), Northern Railway Headquarters, Baroda House, New Delhi - 1.

-APPLICANT.

Versus

Union of India through:

1. The General Manager, Northern Railway, Baroda House, New Delhi - 110 001.

2. The Chief Personnel Officer, Northern Railway, Baroda House, New Delhi - 110 001.

-RESPONDENTS.

O R D E R (in Circulation)

By Mr. N. Sahu, Member (Admnv) -

This Review Application seeks review of the order passed by us on 26.9.1997. We held that inter-se-seniority of Govt. servants in a grade is fixed on certain principles. It was held by the Hon'ble Supreme Court that when the general category candidate is promoted later from the lower grade to the higher grade, he will be considered senior to a candidate belonging to the scheduled caste/ tribe who had been given accelerated promotion against the post reserved for him. Refer to **J C MALIK** case, 1978 (1) SLR 844 and **AJIT SINGH JANUJA** vs. **STATE OF PUNJAB** JT 1996 (2) SC 727. We held that as the recasted seniority was based on the above principle as also on the basis of the interim order of this Tribunal

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dated 18.5.1990 in OA No. 936/90, the revision of the applicant's seniority placing him at Sl. No. 109 and those of Smt. Madhukar Bani and Smt. Janak Kishori at Sr Nos. 53 and 54 cannot be considered to be arbitrary and illegal. The applicant states that the decisions of the Hon'ble Supreme Court in the cases of R K Sabharwal, J C Malik & Ajit Singh Januja are not applicable in his case. He says that he is entitled to seniority as Senior Clerk, Head Clerk and Office Superintendent from the dates of his promotion in these grades and as per original seniority and panel position. He relies on the law declared by the Hon'ble Supreme Court in **UNION OF INDIA & OTHERS Vs. VEER PAL SINGH CHAUHAN & OTHERS** JT 1995 (7) SC 231 & **JAGDISH LAL & OTHERS Vs. STATE OF HARYANA** JT 1997 (5) SC 387.

2. The Hon'ble Supreme Court in the case of **CHANDRAKANTA VS. SHEIKH HABIB** AIR 1975 (SC) 1500 held that a Review Petition cannot be utilised for re-arguing the case. A review should be made only when there is a glaring omission or an apparent mistake. It is further held that even if the view taken in the order sought to be reviewed can be assailed as erroneous that by itself cannot be a ground for review. Secondly, a Review Petition can be allowed only when a material fact not known to the parties at the time of hearing of the OA is brought to notice subsequent to the judgement or there is a failure on the part of the Tribunal to consider material facts submitted earlier. These are not the grounds in this Review Petition. It would not be



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appropriate to permit any party to re-open the matter on the ground that the said party has subsequently discovered another alternative interpretation of law.

3. We are convinced that the stand taken by the applicant is erroneous even on merits but we do not want to enter into a lengthy discussion on the subject. Suffice it to say that there is no scope for review simply because the applicant imagines that his stand is supported by some other decisions of the Hon'ble Supreme Court.

4. The Review Application is dismissed at the circulation stage.

Kan
(K M AGARWAL)
CHAIRMAN

Narayan Sah
(N SAHU)
MEMBER (A)

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