

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

....

Review Application No. 7 of 1998.

In re.

Original Application No. 871 of 1996.

this the 7th day of June'2001.

HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Durga Charan, aged about 49 years, S/o Sri Heera Lal,
R/o 101, Unnao Gate, Jhansi.

Applicant.

By Advocate : Sri U. Nath for Sri R.K. Nigam.

Versus.

1. Union of India through General Manager, Central Railway, Mumbai CST.
2. Divisional Railway Manager, Central Railway, Jhansi.
3. N.K. Litoria, Carriage & Wagon Supdt., Carriage & Wagon Depot, Central Railway, Bina (MP).
4. R.D. Sharma, Carriage & Wagon Supdt., Central Office, Central Railway, Agra Cantt.

Respondents.

By Advocate : Sri S.K. Pandey for Sri Amit Sthalekar.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This Review Application has been filed for recall of the order dated 25.11.1997 and to summon the original record of O.A. no. 871/96. The Division Bench of this Tribunal had found that the cause of action admittedly had accrued on 1.1.1984 and first representation made by the applicant was on 21.11.94. The

contention of the learned counsel for the applicant in the O.A. was that since the representation was rejected by order dated 6.12.1994, the O.A. was not barred by limitation. However, the Bench held ~~that~~ ^{was} the settled law ^{that} a reply to a belated representation does not afford a fresh cause of action. The O.A. was, therefore, dismissed as highly barred by limitation.

2. The learned counsel for the applicant in Review Application has contended that the Division Bench of this Tribunal having ~~allowed~~ ^{allowed} the impleadment and amendment applications ought to have ~~admitted~~ ^{admitted} the applications and given notice to the Opp. Parties, instead of dismissing the same on technical ground of limitation. It is claimed that earlier the applicant had filed O.A. no. 951/95, which was withdrawn as not pressed because certain more facts was required to be brought on record. The learned counsel for the applicant has also contended that there were other reliefs besides the relief no. 2 (a), which were not barred by limitation. It is also contended that since the applicant is an SC candidate and his SC point has not been operated since 1.1.1984 and as such the cause of action is of recurring nature and cannot hit by law of limitation. It is further claimed that the main relief was for operation of SC point quota.

3. The scope of review is limited. Although, the learned counsel for the applicant has claimed that the errors enumerated by him are in the nature of errors apparent on the face of record, it is quite clear that dismissal on limitation by the Division Bench of this Tribunal was an adjudication on merits and the remedy does not lie in review of the order of the Tribunal. The Review Application is, therefore, dismissed as lacking in merits.

Rajiv Mehta
MEMBER (J)

Shawel
MEMBER (A)