

BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 28th day of August, 2001

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

REVIEW APPLICATION NO. 64 OF 2001

IN

ORIGINAL APPLICATION NO. 1702 OF 1994

Sri Krishna,
s/o Sri Brindawan,
Khalasi under I.O.W.
Northern Railway, Etawah.

. Applicant

(By Advocate: Sri B.N. Singh)

Versus

1. Union of India through General Manager,
Northern Railway, Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. Divisional Superintending Engineer,
Northern Railway, Allahabad.
4. The Asstt. Engineer,
Northern Railway, Etawah.
5. Sri Gyan Singh,
s/o Nathoo Ram, Hammerman under I.O.W.,
Northern Railway, Etawah.

. Respondents

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(By Hon'ble Mr. S. Dayal, AM)

This review application has been filed for review and setting aside of order dated 5.7.2001 in the O.A., by which the O.A. was dismissed as lacking in merits.

2. The applicant has raised the following points in his review application :-

- (1) It has not been decided whether the contention of the respondents regarding non-approval of trade test was correct or not ?
- (2) Whether denial of promotion to the applicant on account of the alleged non-approval of selection was legal and justified.
- (3) The respondents have not mentioned in their impugned reply to the applicant's representation that Shri Naushey and Sri Gyan Singh were reverted on account of non-approval of the panel.
- (4) The claim of the applicant in Annexure No. A-4 and paragraphs 5 and 6 of rejoinder that one post of Blacksmith was vacant after appointment of Naushey has not been denied.
- (5) The observation made by us in paragraph 4 of the order that Sri Gyan Singh was promoted after conducting the trade test was not correct.

Contd. .3

3.

3. We have considered the contentions and perused the record of the case. We find that the relief claimed by the applicant was for his promotion as Blacksmith with effect from 12.12.90 or the date from which first vacancy arose after promotion of Sri Naushey or from the date of promotion of Sri Gyan Singh.

4. The relief claimed by the applicant is an admission of the facts that Sri Gyan Singh was subsequently promoted and that there was no vacancy left after appointment of Shri Naushey. The claim of the applicant in the review application that selection was made for two vacancies of Blacksmith which is established from Annexure No. A-4 to the O.A. is also incorrect. Naushey was appointed on 29.5.90 and Annexure No. A-7 to the OA is a representation dated 12.12.90, in which it is claimed that one post of Blacksmith was vacant at that time. This has been denied by the respondents in paragraph nos. 6 & 7 of their counter reply and hence, it cannot be taken as established that one post was vacant.

5. We find that the applicant has filed the review to challenge the merits of the order, which does not come within the purview of review.

6. The review application is, therefore, dismissed as lacking in merits as well as not maintainable.

Rafiquddin *S. Dayal*
(RAFIQ UDDIN) (S. DAYAL)
MEMBER(J) MEMBER(A)

Nath/