

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 9th day of April, 1996

Review Petition No.7 of 1994

IN

OA NO. 354 of 1992

District : Jhansi

CURAM:- Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. T.L. Verma, J.M.

G.P. Rastogi Son of Late R.N. Rastogi

Resident C/o G.S. Saxena,
173, Tandon Road,
Sipri Bazar, Jhansi.
(Advocate Sri S.K. Tyagi)

..... Petitioner

versus

1. Union of India,
through General Manager,
Central Railway, Bombay V.T.
Bombay

2. Divisional Railway Manager (DRM)(P)
Central Railway,
Jhansi.

3. Senior D.P.O.
Central Railway,
Jhansi.

..... Respondents

WL

REVIEW (Appeal)

By Hon'ble Mr. S. Das Gupta, A.M.

This review application has been filed seeking recall of the order dated 21-9-1992 by which O.A. No.354 of 1992 was dismissed on the ground that the Bench of this Tribunal deciding the matter did not find it to be a fit case for grant of promotion to the Applicant as claimed by him.

2. The applicant in the aforesaid O.A. had sought a direction to the respondents to give him promotion in the grade of Rs.1400-2300 from the date on which promotion to the applicant falls due with the consequential benefits. It appears that as a result of disciplinary proceedings the applicant was removed from service w.e.f. 28-2-1985. On appeal the penalty was moderated ~~with~~ ^{to} withholding of increment for two years with cumulative effect. The said punishment remained in currency till 5-1-1987. The applicant was promoted on adhoc basis on 8-5-1987 in the scale of Rs.1400-2300 on the basis of his seniority until proper selection. The Bench of the Tribunal deciding the matter accepted the respondents' contention that the applicant could not have been promoted during the period he was undergoing punishment in 1985-87 when his juniors were actually promoted.

3. The ground taken in the review application is that since the punishment was of withholding of two increments, ~~and~~ the nature of penalty was such ~~like~~ ^{u/s 14, the Act} ~~that~~ it did not affect the promotion of the applicant

W.C.

It has also been submitted that according to the provision of the Act, where the penalty imposed is only withholding of instalment, such penalty will not be a bar on the promotion.

4. That review of an order already passed can be made only if there is an error patent on the face of record or if any new fact is brought out, which could not be brought out earlier despite due diligence, ~~viz.~~ shades ~~in~~ new light of the controversy. We did not find any error apparent on the face of record in the order dated 21-9-93. No new facts have been brought out which would warrant review of the aforesaid order. If the order dated 21-9-1993 suffers from any ~~in~~ appreciation of the relevant facts or rules, the proper course for the applicant would be to file an appeal. The review application has no merit and the same is dismissed accordingly.

H. S. Dube
Member (3)

H. C. Dube
Member (4)

Dube/