

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated : Allahabad this ..28¹⁵...day of November 1996.

Coram : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

Review Application No. 43 of 1996

ON BEHALF OF

Sunil Kumar Srivastava and 5 others....applicants.
(THROUGH COUNSEL SRI SAUMITRA SINGH)

IN

ORIGINAL APPLICATION NO. 180 of 1992.

1. Sunil Kumar Srivastava son of Sri Dhruv Narain Srivastava, resident of House No. 254-A, Mohalla Dairy Colony, Gorakhpur.
2. Pramod Kumar Srivastava, son of Sri Balram Lal Srivastava, Resident of House No. 258, Shakti Nagar Colony, Arogya Mandir, District Gorakhpur.
3. Ravendra Nath Srivastava, son of Sri Kriya Nath Srivastava, Resident of Ruhi Niwas, Auriva Munwa, Basarapatpur, District Gorakhpur.
4. Har Ram Gupta, son of late Sri Hira Lal Gupta, resident of Care of Sarvjit Lal Dairy Colony, Nawashykhana, District Gorakhpur.

... contd. 2....

5. Ajai Kumar Nath Tiwari, son of Sri Ram Naresh Nath Tiwari, resident of Ashok Nagar, Basaratpur, District Gorakhpur.
6. Sunil Kumar Srivastava, son of Sri Man Moham Prasad Srivastava, Resident of House No.T/16, Mohalla Chhepra Railway Colony, Chhapra, District Bihar.

...Applicants.

Versus

1. Union of India through its Chairman Railway Board, Rail Bhawan, New Delhi.
2. Director Establishment (TRI MPP) Railway Board, Rail Bhawan, New Delhi.
3. Chairman, Railway Recruitment Board, Gorakhpur.
4. General Manager, (P), North Eastern Railway, Gorakhpur.
5. Chief Personnel Officer, Northern Eastern Railway, Gorakhpur.

....Respondents.

O R D E R

(By Hon. Mr. T. L. Verma, Member-J)

This application has been filed for review of order dated 29.2.1996 passed in O.A.No.180 of 1992.

2. The aforesaid O.A. was filed for issuing a direction to the respondent Nos. 1 and 2 to accord permission to enlarge the panel of 1986 of Assistant Station Masters of N.E.Rly. Gorakhpur in terms of request made by Sri R.S.Jain the then Chairman, Railway Recruitment Board in his D.O.letter dated 12.5.87 and 2.12.87 and D.O.letter dated 27.8.1988 of Shri N.K.O.Thakur the then Chairman, Rly.Recruitment Board, Gorakhpur and for issuing further direction to the Chairman, Railway Board, Gorakhpur to recommend the names of the applicants as candidates selected for the post of Assistant Station Masters for filling the existing vacancies, and for issuing direction to G.M.(P) and C.P.O.N.E.Railway/Gorakhpur to appoint the applicants as Assistant Station Master with consequential benefits and seniority.

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3. The aforesaid O.A. was dismissed both on the ground of delay as also on merit.

4. It is well settled that power of review may be exercised :-

i. On the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made.

ii. Where some mistake or error apparent on the face of the record is found and,

iii. Any other analogous ground.

5. We have perused the review application and we find that the grounds taken for review suggest that the decision was erroneous on merit. The review provisions cannot be invoked to correct errors if any, committed in deciding the case on merit. The applicants have precisely done the same. It does not appear from the review application that new and important matter or evidence, which after exercise of the due diligence was not within the knowledge or could not be produced at the time when the case was argued, has been discovered or that mistake or error apparent on the face of the record has been found justifying interference with the order in exercise of review jurisdiction.

6. In view of the above, we find no merit in this
Review Application and dismiss the same.

J. M. Mehta
Member-J

W. P.
Member-A

(pandey)