

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No. 86 of 1996
In
Original Application No. 304/1992

Allahabad this the 2nd day of Dec. 1996

Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. D.S. Baweja, Member (A)

Akhil Bhartiya Shoshit Karmchari Sangh through its
Secretary Sri Mithilesh Kumar Chaturvedi, A/a 37 years,
S/o Sri H.P. Chaturvedi, R/o 291/B, New Model, Railway
Colony, Izzat Nagar, Bareilly.

APPLICANTS.

By Advocate Sri T.S. Pandey.

Vs.

1. Union of India through the Secretary Railways, Parliament Street, Ministry of Railways, New Delhi.
2. The Chairman, Railway Board, Baroda House, New Delhi.
3. The Divisional Railway Manager, North Eastern Railway, Izzat Nagar, Bareilly.
4. General Manager, Eastern Railway, Fairly Place, Calcutta.
5. General Manager, North Eastern Railway, Gorakhpur.

RESPONDENTS.

O H D E R

By Hon'ble Dr. R.K. Saxena, Jud. Member

This review application has been filed on the ground that the arguments were concluded on 22.2.96 but, the Judgment was given on 30.4.96 whereas the Judgment should have been delivered within 30 days from the date of hearing, that direction should have been given for re-casting the seniority list in each and every grade, that the Judgment was based on surmises and conjectures and is erroneous in the eye of law. These are not the grounds on the basis of which review of the Judgment can be made.

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2. We find from the decision in the case *Akhil Bhartiya Shoshit Karmchari Sangh through its Secretary and Others Vs. Union of India through its Secretary, Ministry of Railway and Others, published in J.T. 1996(8) S.C. 274* that this Judgment of the Tribunal was challenged in S.L.P.(Civil) no. 16812 of 1996 which was decided by their Lordships of Supreme Court on 12.9.96, upholding the decision of the Tribunal. This fact has not been disclosed in the review petition. In such a situation, the review application does not lie because the Judgment of the Tribunal has merged in the Judgment of the Hon'ble Supreme Court. This view was taken by their Lordships in the case *State of Maharashtra and another Vs. Prabhakar Bhikaji Ingle 1996(1) A.T.J.606*. The result, therefore, is that the review application is not maintainable. It stands rejected.

Dinkar Desai
MEMBER (J)

/M.M./

Shri Jayant
MEMBER (A)