

Reserved.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 3rd day of April 2000.

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

Review Application No. 1867 of 1993

on behalf of

Union of India and others . . . Applicants.
(C/A Sri A.K. Gaur, Adv.)

In

Original Application No. 613 of 1992.

Raj Kumar Srivastava . . . Applicant..

Versus

The U.O.I. and others . . . Respondents.

Review Application No. 1701/93

on behalf of

Union of India and others . . . Applicants/Respondents
(C/A Sri S.N.Gaur, & Sri B.B.Paul, Adv)
In

Original Application No. 955/92

Surendra Kumar Tripathi . . . Applicant.

Versus

Union of India and others . . . Respondents.

Review Application 1865 of 1993.

On behalf of

Union of India and others . . . Applicants/Respondents
(Through Sri S.N. Gaur, and Sri B.B.Paul Adv.)

in

Original Application No. 1188 of 1992.

Arun Kumar Pandey . . . Applicant.

Versus

Union of India and others . . . Respondents.

Order (Reserved)

(By Hon'ble Mr. S. Dayal, A.M.)

These review petitions have been filed

seeking review of order dated 16.10.92 in O.A. No. 613 of 1992 and common order dated 4.9.92 in O.A. 955 of 1992 and in O.A. 1188 of 1992.

2. A Division Bench of this Tribunal in its order in O.A. 613 of 1992 directed as follows:-

"Similar matter had also come before us in case No. 131 of 1992 of the Mobile Ticket Collectors and we have directed the respondents to frame a scheme within a period of four months and to consider the cases according to merit and to give them appointment and thereafter to consider their case for regularisation in case they got appointment in accordance with the scheme"

3. In its common order in O.A.s. 131, 955 and 1188 of 1992, the division bench had directed as follows:-

"Accordingly the respondents are directed to consider and analyse the cases of Mobile Ticket Collectors and to find out if any scheme can be framed by them by laying down a particular criteria for re-engaging them on casual or daily basis. Let a scheme be framed within a period of two months from the date of communication of this order."

4. The review petitions have been filed on 24.9.93, 13.9.93 and 21.9.93 respectively and the applicants in review petitions have sought condonation of delay. The reasons given for explaining the delay are that the applicant in O.A. 613 of 1992 approached the Tribunal with unclean hands and obtained orders by concealing material facts. It has also been mentioned that the Railway Administration is not in a position to frame the scheme as directed by the Tribunal in O.A.

131,173,955,, 1188, 1189 and 826 of 1992 (Inre Lalji Shukla Vs. Union of India and others) (Supra). The reasons offered for seeking condonation of delay in O.A. 955 of 1992 are that counter was not filed and that several points are deserve consideration and had bearing on the material point including maintainability of the application remained untouched.

5. The reasons given in the third delay condonation application in O.A. 1188 of 1992 are that no notice about admission was served on the respondents on account of which the respondents had not been able to contest the case of the applicants and filed the counter in the case to show that the applicants are not entitled to the relief which they claimed. The review petitions have admittedly been filed beyond the time limit prescribed. However they are not being dismissed on the ground of limitation alone.

6. The grounds given in the review applications for review of order dated 16.10.92 in O.A. 613 of 1992 are that the Railway Administration had come to the conclusion that no scheme as directed by the Tribunal could be framed against the statutory provisions for the category of Ticket Collectors contained in I.R.E.M. for a number of reasons given in the review petitions.

7. The applicants in this review petitions had filed S.L.P. No. 24442 of 1994 in the Supreme and the Supreme Court by their Order dated 7.4.94 had stipulated as follows:-

"The order gives a direction to the

petitioner to find out if any scheme can be framed. The Union of India can examine record its finding accordingly. There is no obligation cast by the impugned order that the scheme should be framed in any case, Subject to the above observations the special leave petition is disposed of.

8. In view of observations of the Supreme Court that there was no obligation cast by the impugned order that the scheme should be framed in any case, the need to review the order passed by the Tribunal in the above O.As. is obviated.

9. In any case the applicants in this review applications are challenging the merits of the order passed by the Tribunal in the said O.A. The merits can not be challenged in review petitions. As such we find no ground to review the order passed by the Tribunal and dismiss^l the review petitions with no order as to costs.

Rafiq Maldam
Member (J.)

Shiv
Member (A.)

Nafees.