

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

Civil Misc. Review Application Nos 73 & 74 of 1995

In

Original Application No. 1433 of 1994.

this the 15th day of May 2002.

HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Virendra Kumar, S/o Shri Shiv Charan Lal, R/o 15/45/116-A,  
Chandar Nagar, Moradabad.

Applicant.

By Advocate : Sri K.G. Srivastava.

Versus.

1. Union of India through Secretary, Ministry of Railways, New Delhi.
2. Railway Board through its Chairman, Rail Bhawan, New Delhi.
3. Divisional Railway Manager, N.R. Moradabad.
4. M.D. Ram, Goods, Supervisor, Bareilly.

Respondents.

By Advocate : None.

O R D E R (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER (A)

The applicant in the Review petition no. 73/95 has sought review of the order dated 2.5.95 passed in O.A. no. 1433/94. The applicant in the Review petition no. 74/95 has sought review of the order dated 23.5.95 in which a prayer has been made for restoration of the O.A.

2. As far as the order dated 2.5.95 passed in O.A. no. 1433/94 is concerned, the same has been passed rejecting the relief of the applicant on the ground that the applicant was Head Goods Clerk which is one step below

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the post of Goods Supervisor and the panel was made for Chief Goods Supervisor <sup>and</sup> the applicant was not eligible to appear for the post of Chief Goods Supervisor. The learned counsel for the applicant was given an opportunity on 21.9.94 to file M.A. to bring on record the relevant facts, but none appeared on the date of hearing, nor any M.A. had been filed. Therefore, as the above order <sup>passed</sup> on merits of the application, ~~was passed~~, the same cannot be considered under the powers of review available to us and has to be challenged before appropriate forum.

3. As regards Review application no. 74/95 is concerned, it is against the order dated 23.5.95 of the Division Bench of this Tribunal in which it has been said that the O.A. has been decided on merits and also for non-prosecution and, therefore, the application for restoration was misconceived and was rejected. It was stated that the dismissal of O.A. could be challenged on the review side and recall of this order is also required because the applicant did challenge the order on the review side, which has been decided by us earlier in Review application no. 73/95.

4. In view of the above, both the Review application stand dismissed. No costs.

*Ratnadev -*

MEMBER (J)

*[Signature]*  
MEMBER (A)

GIRISH/-