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CENTRAL ADMINISTRATIVE TRIBUNAL, ALAHABAD
ALLAHABAD

Dated : Allahabad this the 18 day of July 1996.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T. L. Verma, Member-J

REVIEW APPLICATION NO. 121 of 1995.

Parsooti Singh.....Applicant.
(BY ADVOCATE SRI SUHIR AGARWAL)

Versus

Divisional Railway Manager,
Central Railway, Jhansi
and others..... Respondents.

IN

O. A. No. 462 of 1994

Parsooti Singh,applicant.
Vs.
Divisional Rly. Manager,
Central Rly, Jhansi
& others. respondents.

O R D E R

(By Hon'ble Mr. S. Das Gupta, Member-A)

This application has been filed seeking review of an order dated 11.10.1995 by which O.A. No. 462 of 1994 was partly allowed. The respondents were directed to complete the investigation with regard to adoption of unlawful means or otherwise by the applicant in the selection examination held in 1992 and to declare the result in respect of Scheduled

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Caste Vacancy within the specified period. The interim order under which the applicant was working on the higher post on adhoc basis, was however, vacated.

1. The present application has been filed on the ground that the applicant should have been allowed to continue on adhoc basis on the higher promotional post.

2. The ground taken in the aforesaid application is that the decision of the Full Bench in Jetha Nand's case was subsequently reviewed and the decision in the review could not be brought to the notice of the Tribunal earlier. Also some decision of the Hon'ble Supreme Court has been cited in support of the plea that the applicant could not have been reverted from the promotional post. A decision of the Allahabad Bench of the Tribunal has also been cited in this connection.

3. A judgement of the Tribunal can be reviewed only if there is any error apparent on the face of record or if any new fact is discovered which could not be brought to the notice of the Court earlier, ~~despite~~ ^{the} due diligence or for any ^A analogous reason. It is clear that the order of the Tribunal dated 11.10.1995 does not suffer from any error apparent on the face of record. The learned counsel for the applicant has taken a plea that the order is ~~per incuriam~~ since the law laid down by the Hon'ble Supreme Court has not been followed. We have carefully gone through the decisions cited. We are of the view that the decision given in the order dated 11.10.1995 does not in any way contravene any principle of law ^{enunciated} supported by Hon'ble Supreme Court and as such the order is not ~~per incuriam~~. We therefore,

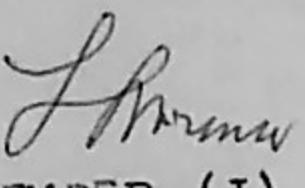
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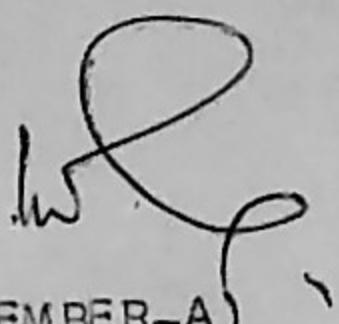
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see no reason to recall the order dated 11.10.1995.
We however, only provide that in case the respondents
continue to ~~fill~~ the post, in the Scheduled Caste Quota,
by making adhoc arrangement, the applicant shall be
given preference to persons junior to him. The review
application is disposed of accordingly.


MEMBER-(J)


MEMBER-A

(Pandey)