

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

THURSDAY, THIS THE 9TH DAY OF JANUARY, 2003

REVIEW APPLICATION NO. 101/02

IN

ORIGINAL APPLICATION NO. 811/02

HON. MRS. MEERA CHHIBBER, MEMBER(J)

1. General Manager,
Central Railway,
Mumbai CST.
2. Divisional Railway Manager(P)
Central Railway,
Jabalpur, M.P.
3. Chief Medical Superintendent
Central Railway,
Jabalpur.
4. Divisional Personnel Officer
Central Railway,
Jabalpur.

.....Applicants/Respondents
(By Adv:- Sh. K.P.Singh)

Versus

K.K.Gupta

....

...Respondents/Applicant.

O R D E R (By Circulation)

HON. MRS. MEERA CHHIBBER, MEMBER(J)

This review application has been filed by the respondents against the order dated 7-10-2002 passed in O.A NO. 811/02. The respondents have filed Review application on the ground that the respondents could not place the relevant facts and circumstances before the court which goes to the roots of the matter. Therefore, it has become necessary to file the review application. They have submitted that the Health Unit at Manikpur is lower formation as compared to New Katni Junction. Accordingly, the work load norms of health unit at Manikpur is quite less than Sub Divisional Hospital New Katni Junction where more patients, Official correspondence, statistical returns preparation and yearly indent requires higher grade post. It was keeping in view these facts, the higher post of Manikpur was temporarily transferred to New Katni

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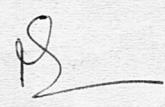
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Junction and the lower grade post of New Katni Junction had been transferred to Manikpur. They have clarified that the proposal for permanent transfer of the post is under correspondence since long and awaited for sanction of the competent authority. They have next contended that it is not the applicant who has been transferred but the post itself has been temporarily transferred from Manikpur to New Katni Junction and the one at New Katni Junction has been transferred to Manikpur. Therefore, the applicant and Shri G.K.Tripathi have been transferred on the transferred post in the same grade and capacity. They have further submitted that as per administrative exigencies the posts are reviewed by the competent authority from time to time with intention for optimum utilisation of the posts strictly as per grade and as per quantum of work load in different grades of hospital and for such purpose for the permanent transfer of post (variation and redistribution of non-gazetted posts within the sanctioned strength of the grade), the concurrence of finance is necessary which is under process and awaited for sanction ^{from the finance} ~~quantum inquiry~~. Whereas in case of temporary transfer the concurrence finance is not necessary or required as per item no. 5 of the (SOPEST). Therefore, ^{they} ~~prayed~~ that the order passed on 7-10-2002 may be reviewed. the review application filed

2. I have seen the order passed by me on 7-10-2002 as well as the review application filed by the respondents. It is seen that the order passed by me was based on the transfer order itself in which it was categorically stated that applicant has been transferred from Manikpur to New Katni Junction temporarily for six months and it was further stated

in the order itself that these post are being inter-changed temporarily for six months in public interest and due to administration reasons. Moreover, this order was passed in the open court in the presence of both the counsels. Whenever the respondents represent ^{are} ~~their~~ ^{through} ~~case to the~~ counsel, they are supposed to give full facts to the counsel and the law is well settled that review application can not be filed to re-argue the matter nor can they bring in new facts by filing the Review application which were already in their knowledge and for reasons best known to them were not projected by them at the time when the case was heard. In any case the respondents have stated even in the review application that for permanent transfer of the post within the sanctioned strength they have to take concurrence from the finance and the proposal is still under process and no sanction has been received so far. Since the sanction of finance has still not been received for permanent transfer of the post and the respondents have themselves transferred the applicant for a period of six months only temporarily, I do not think the orders passed by me on 7-10-2002 need to be reviewed because subsequently if the respondents get the sanction from the finance, they can always pass the fresh orders at that relevant time by stating all these things in the order itself. The order passed on 7-10-2002 was only with reference to the order dated 26-6-2002 and by no stretch of imagination it bars the respondents from passing a fresh order in the changed circumstances. I, therefore, see no justification or ground to review the order dated 7-10-2002.

3. The review application is accordingly dismissed with no order as to costs.


Member (J)

Madhu/