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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Review Application No.02 of 2008
in
Original Application No. 744 of 2006**

Thursday day this the 17th day of April, 2008

**Hon'ble Mr. G. George Paracken, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)**

1. Vijendra Kumar I, s/o Shri Chandan Singh.
2. Ajay Kumar Pathak, S/o Shri H.N. Pathak.
3. Chandra Prakash VII, S/o Shri Jagdish Singh.
4. Awadhesh Kumar, S/o Shri B.L. Sharma.

All posted as Driver (Goods) Moradabad Shed,
Northern Railway, Moradabad Division, Moradabad.

Review Applicants

By Advocate Sri Vikash Budhwar

Versus

1. Union of India, through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
3. Senior Divisional Manager, (Operating), Northern Railway, Moradabad Division, Moradabad.
4. Senior Divisional Personnel Officer, Northern Railway, Moradabad Division, Moradabad.

Respondents

ORDER

By K.S. Menon, Member (A)

This Review Application No. 02 of 2008 has been filed seeking review of the Order of this Tribunal dated 19.12.2007 passed in O.A. No. 744 of 2006 Vijendra Kumar and others Vs. Union of India and others.

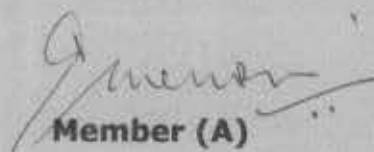
2. In the grounds of objections No. I and II to the aforesaid Judgment, the applicants have submitted that calculation of vacancy
- Menon*

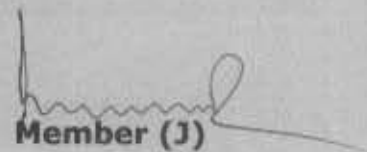
shown as 155 is incorrect whereas the vacancy is actually 207. Further in ground of objection No.2 they have elaborated the same point to indicate as to how they have arrived at the figure of 207. Since applicants' cases were not considered due to the said difference in the vacancies, the O.A. came to be dismissed. In paragraph No.2 and 3 of the Judgment dated 19.12.2007 the submissions made by the applicants have been reflected in detail and thereafter the actual calculation by which the respondents have arrived at the figure of 155 have been clearly indicated duly supported by reference to the notification of the Railway Board and the relevant portion of Indian Railway Establishment Manual Volume I. It is, therefore, evident that the points now made out in the Review Application have been duly taken into account while passing the said Judgment. There appears to be no error apparent on the face of record and the matter is now sought to be challenged on merits by this Review Application. In view of this, said ground is without any basis and cannot be accepted.

3. In grounds No. III to VII the applicants have indicated that certain important documents have come to the possession of the applicants which could not be produced at the time of hearing, which is now being sought to be placed by means of the present Review Application. The applicants contend that this document has a material bearing on the issue in question. Hence, they have filed the Review Application. The above mentioned grounds are not maintainable in view of Order 47 Rule 4 (2) (b), which lays down as follows: -

- (b) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him when the decree or order was passed or made, without strict proof of such allegation."

4. In view of the above, the aforesaid grounds in support of Review Application are not maintainable and hence rejected. Consequently the Review Application No. 02 of 2008 is also rejected.


Member (A)


Member (J)