

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

R.A. No.34/97 in O.A. 15/88

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR.K.RAMAMOORTHY, MEMBER(A)

Union of India, through
General Manager,
Western Railway,
Churchgate,
Bombay -400020 & Others

..Applicants

(By Advocate Mr. N.S.Shevde)

vs.

Aspi Mithaiwala,
A-2,Amdichhanagar so,
Near Piolate diary,
Kankaria, Ahmedabad and Others

..Respondents

O R D E RHON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The respondents 1 and 2 in the Original Application have filed this Review Application for a review of the final order passed in O.A.15/88. The Original Application related to percentage of reservation in favour of Scheduled Castes/Scheduled Tribes and promotions alleged to have been made in excess of the quota. The issue involved in this case was finally disposed of by the Hon'ble Supreme Court in its rulings in 1996(2)SCALE page 526 (Ajit Singh Juneja & Ors. vs. State of Punjab & Ors.), 1995(6) SCC, page 684(Union of India & Ors. vs.Virpalsingh Chauhan & Ors.) and 1995(2) SCC page 745 (R.K.Sabharwal & Ors. vs. State of Punjab & Ors.). Therefore, the Original Application was disposed of directing

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the respondents to take further action in the matter in accordance with the decision of the Hon'ble Supreme Court in the above cases. It is alleged in the Review Application that the Hon'ble Supreme Court in its judgment in case of Akhil Bhartiya Soshit Sangh through its Secretary & another vs. Union of India through its Secretary, Ministry of Railways, reported in JT 1996(8)SC 274 held inter alia that by the time a senior person belonging to general category gets promoted to the higher grade if the junior person belonging to the reserved category who had been promoted to the still higher grade, the question of granting seniority to the general category candidate in the promoted category could not arise and therefore the promotion of respondent No.6 in this case having been made as early as February 1991 much prior to the judgment of the Supreme Court in Sabharwal and Virpal Singh Chauhan cases, the Tribunal could have rejected the Original Application. Therefore the Review Applicant states that there is an error apparent on the face of the record in the order and that needs a review of the order. On a perusal of the Review Application, the order sought to be reviewed and the pleadings in the Original Application, we do not find any error apparent on the face of the record or any other relevant circumstance warranting a review of the order. The general issue involved in the Original Application has been resolved by the Hon'ble Supreme Court in their orders mentioned above and therefore the disposal of the application directing the official respondents to take further action in accordance with the

said rulings does not suffer from any error. The order passed in the O.A. does not contravene the decision of the Supreme Court in Akhil Bhartiya Soshit Sangh's case (supra). The review application therefore, does not merit any consideration and the same is rejected.



K.RAMAMOORTHY
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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