

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Review Application No. 87/2004 (O.A. 239/03)

Lucknow this the 15<sup>th</sup> day of Oct., 04.

HON. SHRI JUSTICE S.R. SINGH, V.C.

HON. SHRI S.P. ARYA, MEMBER(A)

1. **UNION OF INDIA** through the Secretary, Ministry of Railways, Government of India (Railway Board), NEW DELHI.
2. **DIRECTOR GENERAL**, Research Designs & Standards Organisation, LUCKNOW.

... APPLICANTS/  
RESPONDENTS

By Advocate Shri S. Verma.

In:

ORIGINAL APPLICATION No.239 OF 2003

1. **I.S. GUPTA** aged about 62 years, son of Shri Suresh Lal, resident of D-504, L.D.A. Kanpur Road, LUCKNOW-12
2. **G.R. DEY** aged about 61 years, son of Shri Manoranjan Dey, resident of Type-II A/53, Rail Vihar, Sector L, Kanpur Road, LUCKNOW-12
3. **P.K. PANDIT** aged about 60 years, son of Shri Bhupendra Nath Pandit, resident of D-1/419, Sector H, L.D.A. Kanpur Road, LUCKNOW-12
4. **M.M. GHOSH** aged about 61 years, son of Shri Ramesh Chandra Ghosh, resident of Type-II A/32, Rail Vihar, Sector L, L.D.A. Kanpur Road, LUCKNOW-12
5. **K.K. BOSE** aged about 54 years, son of Shri Arvinda Kumar Bose, resident of B-140/1, Manak Nagar, LUCKNOW-11
6. **K. KONAR** aged about 50 years, son of Shri Radhey Shyam Konar, resident of C-78/3, Manak Nagar, LUCKNOW-11
7. **I.S. DAS** aged about 43 years, son of Shri Bhopal Chandra Das, resident of 110 Samar Vihar, Alambagh, LUCKNOW-5
8. **S.G. TEWARI** aged about 62 years, son of Shri Vinay Shankar Tiwari, 54 Saakschara Apt, A-3 Paschim Vihar, NEW DELHI-13

... APPLICANTS



versus

Union of India and another

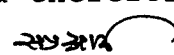
respondents.

O R D E R

By Shri Justice S.R. Singh, V.C.


This Review Petition was placed before us for consideration by circulation. We have perused the judgment and order sought to be reviewed as also the review petition. The judgment is based on consideration of relevant letters/circulars issued by Govt. of India, Ministry of Railways (Railway Board). It would be clear from Paragraph 11 of the judgment that the post of CRA stood merged with those of ARO(M&C) Directorate w.e.f. 23.7.2001 as per Railway Board's letter referred to in the judgment and ~~according to them~~ it has been held that "once the individual is found fit as per norms laid down in the letter dated 8.1.02, he would be entitled to be placed in the grade of ARO w.e.f. 23.2.01 (effective date of merger) with consequential benefits of pay and allowances admissible to the post of ARO."

2. It has been held in the judgment that the cut off date for actual pay and status of Group 'B' to CRA must satisfy the test of rationality and reasonableness. The actual pay in the higher grade became payable w.e.f. 23.7.01 in respect of individual CRAs found fit for placement in ARO grade. The judgment is not founded on the instance of Suraj Singh cited therein. Accordingly, even if it be held that Suraj Singh was given notional promotion w.e.f. 26.6.2001 as stated in the Review petition and not from 1.1.96, as observed in the judgment sought to be reviewed, the view that we have taken would not call for any review. The review petition, it may be observed, is not an appeal in disguise nor it is supposed to be heard as if ~~it is~~ an Original application. The Review Petition does not deserve preliminary hearing and therefore, it is rejected by circulation.

  
(S.P. ARYA)

Member(A)

s.a.

  
(S.R. SINGH)

V.C.