

Central Administrative Tribunal, Lucknow Bench, Lucknow

R.A. No. 5/2006 in O.A. 432/09

This the 11 day of November, 2008

Hon'ble Sri M. Kanthaiah, Member (J)

Gulam Gaus son of Sri Murad Ali, resident of house No. 534 Ga /21, Damodar Nagar, Alambagh, Lucknow.

Applicant

By Advocate: None

Versus

1. Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, Northern Railway, Head Quarters Officer, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

Respondents

By Advocate: Sri S. Verma

ORDER

By Hon'ble Sri M. Kanthaiah, Member (J)

The applicant has filed the review application with a prayer to review the orders of the Tribunal dated 4.4.2005 on the following grounds:-

- i) Whereas the applicant attained temporary status, his services should not be dispensed with without giving any notice and payment of compensation in lieu of notice.
- ii) The applicant shall be deemed to be in continuous service till now.
- iii) On receipt of post facto approval, the applicant was not given duty neither as casual labour Safaiwala nor substitute nor regularize against Group 'D' post.

2. The respondents have opposed the claim of the applicant and filed detailed C.A. denying the review of the O.A.

3. Heard both sides.

4. The admitted facts of the case are that the applicant filed O.A. with a prayer to issue direction to the respondents for his appointment in Group 'D' post and also to pay salary from the date his junior~~s~~ have been promoted in higher grade on the ground that he has completed more than 120 days continuous service as a substitute/ casual labour Safaiwala in the Traffic Department.

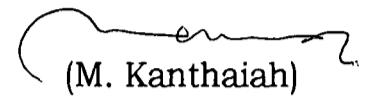
5. After due contest, this Tribunal dismissed the O.A. on 4.4.2005. Thereafter, the applicant has filed the present review application raising many of the grounds that he has attained temporary status and ^{that} without issuing any notice and payment of compensation in lieu of notice, dispensation of his service is not in accordance with rules and also on the ground that on receipt of post facto approval, he was not given duty neither as casual labour Safaiwala nor substitute.

6. Admittedly, the scope of review is very limited. If there is any typographical mistake or error, the court can correct the same by way of review. In the instant ^{o-A} case, this Tribunal has discussed the claim of the applicant for appointment in Group 'D' post and thereafter, given findings stating that he failed to submit any of the documents to prove that he was ever engaged by the competent authority and when the Tribunal has given findings on each and every plea of the applicant, now entertaining any of the objections of the applicant by way of review of the order of the Tribunal is not at all maintainable. Whatever, objection or grounds are taken by the applicant are to be taken only by way of appeal but not within the scope of review and as such there are no

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-3-

Justifiable ground to entertain the review application and as such the same is liable for dismissal and accordingly R.A. is dismissed.



(M. Kanthaiah)

Member (J)
19.11.08

HLS/-