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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
Lucknow Circuit Bench  
Review Application No.663 of 1990(L)

In

Registration T.A.No.15 of 1989(L)

Railway Service Commission... Applicants-Respondents  
Allahabad & Another  
Versus

Chhabi Shyam Tripathi & Another.... Respondents-Applicants

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K.J. Raman, A.M.

(By Hon. Mr. Justice K. Nath, V.C.)

This application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 is for review of our judgement dated 28.9.90 as in the above described T.A. so far/it allowed the claim of applicant respondent No.2 Abid Ali on transfer of the Writ Petition under Section 29 of the said Act.

2. Abid Ali alongwith one Chhabi Shyam Tripathi had appeared in a competitive examination conducted by the Railway Service Commission for recruitment of Asstt. Station Master, Guards etc. The results of the two persons were not declared on the allegation of certain mal-practices by them. On a consideration of various aspects of the case, we found no substance in the claim of Chhabi Shyam Tripathi but found the claim of Abid Ali to be proved and accordingly we directed the review applicants and the others concerned to declare him as having passed the selection test; we also granted other relief to Abid Ali as detailed in the judgement.

3. We have carefully gone through the Review Application. The first point raised in the application is that we failed to take into consideration the observation made by another Bench at Allahabad in T.A. No.113/87 J.P.Phulwati Versus Union of India. A perusal of our judgement under review will show that we had given a detailed and thorough consideration to that judgement. There is no worth in this point.

4. It is next urged that the findings of the Tribunal are without jurisdiction in respect of Abid Ali, that there is no finding on the point that the rules of natural justice had not been followed by the review applicants and that therefore the judgement is liable to be set aside. All these points are in the nature of appellate submissions and are beyond the scope of review petition. It is difficult to see how the question of observance or otherwise <sup>of</sup> the principles of natural justice has anything to do with the relief which the review applicants expect in the review application; any finding of the review applicants not following the principles of natural justice could only go against them.

5. The Review Application is dismissed.

*R. S. J.*  
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*Member (A)*

*Vice Chairman*

Dated the 19<sup>th</sup> June, 1991.

RKM