

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Review Petition No.8/2010
In
Original Application No.502/2007
This the 06th day of April, 2010**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Santosh Kumar, aged about 33 years, S/o Sri Hari Ram, Prasad, R/o L.N.M., Railway Hospital N.E.R., Gorakhpur, UP.

.....Applicant
By Advocate: Shri S.P. Singh.

in re:
Jitender Kumar Gupta.

Versus.

1. Union of India Through Chairman, Railway Board, Baroda House, New Delhi.
2. Chairman, Railway Board, Baroda House, New Delhi.
3. Chairman, Railway Recruitment Board, North Eastern Railway, Gorakhpur.
4. General Manager, North Eastern Railway, Gorakhpur.
5. Chief Personnel Officer, North Eastern Railway, Gorakhpur.

.....Respondents.

By Advocate: None.

ORDER (Under Circulation)

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed review application under Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987 to review the order of this Tribunal passed in O.A.No.502/2007 dated 23.12.2008 on the ground that the applicant in the main O.A. by playing fraud he obtained order against the respondents and because of such judgment dated 23.12.2008, the respondents have

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issued show cause notice on 26.02.2010 terminating his services from the post of Haemo Dialysis Technician. It is also the case of the revisionist that the applicant had not come to the court with clean hands and obtained order dated 23.12.2008 in collusion with the respondents and as such the order and judgment of the Tribunal requires review.

2. The matter has been taken-up under circulation.
3. Without disposal of the condonation of delay application M.P.No.376/2010, this office has Regd., the petition as review. Applicant and allowed number.
4. The applicant herein is called as revisionist whereas the applicant and respondents in O. A.No.502/2007 are called herein as applicant and respondents respectively for the sake of convenience.
5. The brief facts ^{of} for the case are that the applicant filed O.ANo.502/2007 to issue direction to the respondents to consider the candidature of the applicant for the vacancy of Haemo Dialysis Technician, without rejecting his application form, which he submitted as per Employment notice. After completion of pleadings and after hearing both sides this Tribunal allowed the OA on 23.12.2008 with a direction to the respondents to consider the candidature of the applicant for the vacancy of Haemo Dialysis Technician without rejecting. Against the said order and judgment no appeal has been filed by either of the parties.
6. The revisionist filed the present application stating because of allowing the OA filed by the applicant the respondents have terminated his selection vide show cause notice dated 26.02.2010 stating that the parties in OA suppressed the real facts of the case and also his appointment on the said post of Haemo-dialysis Technician and as such the order of this Tribunal dated 23.12.2008 is to be reviewed.
7. The claim of the applicant in the OA was to consider his candidature for the post Of Haemo Dialysis Technician without rejecting it and after considering the rival claims of both the parties this Tribunal allowed the said OA with a direction to the respondents to consider the candidature of the applicant for the said post without rejecting.

8. Admittedly, the appointment of the revisionist was not at all the subject matter in the said OA. Further, the revisionist is also not a party in the OA and in such circumstances the claim of the revisionist in respect of his appointment and also subsequent show cause notice dated 26.02.2010 for termination of his appointment are not at all the subject matter in the OA. In such circumstances, the applicant has no case to seek the indulgence of this Tribunal for review of the order of this Tribunal dated 23.12.2008 on any count and added to it he was not at all a party in the OA and his presence was also not required for deciding the claim of the applicant in the main OA. Thus, attributing any motives or allegations against the applicant or on the ground of suppression of any fact etc. as complained by the revisionist is not at all valid and justified.

9. In view of the above circumstances, there are no merits in the claim of the applicant and further he is not at all a proper and necessary party to seek review of the order of this Tribunal dated 23.12.2008 and as such the present application is liable to be rejected.

10. In the result, the application is rejected. No costs.

Dr. A.K. Mishra
 (Dr. A.K. Mishra)
 Member (A)

M. Kanthaiah
 (M. Kanthaiah)
 Member (J) 06.04.10