

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, FRESCOT RD, 4TH FLR,
MUMBAI - 400 001.

REVIEW APPLICATION NO.24/97 in
ORIGINAL APPLICATION NO.278/96.

DATED THIS 12th DAY OF MARCH, 1997.

CORAM : Hon'ble Shri B.S.Hegde, Member (J).

Hon'ble Shri P.P.Srivastava, Member (A).

Sushil Kumar Kapoor,
Senior Engineer(Construction),
Central Rly.,
Mumbai.

... Applicant.

Vs.

Union of India,
Through the Chairman,
Railway Board,
Rail Bhavan,
New Delhi.

... Respondent.

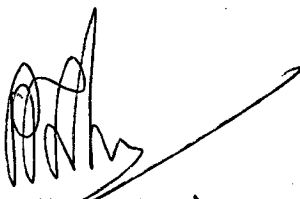
{ TRIBUNAL'S ORDER BY CIRCULATION }

This Review application is filed by applicant seeking review of judgement dated 10/1/97. In the OA, the applicant has challenged the selection made by the Railway Board vide its order dated 19/12/93 promoting certain Group B Officers in Civil Engineering Department to the Junior Time Scale on the basis of the UPSC recommendations. The applicants' contention is that though he is a Civil Engineer, a Group B Employee, he has not been selected and the selection held by the DPC requires to be quashed. In the judgement it is said that promotion to selection grade or selection posts is to be based primarily on merit and not on seniority alone. The principle is that when the claims of officers to selection posts is under consideration, seniority should not be considered except where the merit of the officers is judged to be equal and no other criterion is, therefore, available. Accordingly, the OA was dismissed at the admission stage itself.

[Signature]

On perusal of the review petition, we do not find that any new points have been brought to our notice for reconsideration, on the other hand he is trying to re-argue the case on the very same grounds. The Apex Court has held that once an order has been passed by this Court, review thereof must be subject to the rules and cannot be lightly entertained. A review of a judgement is a serious step and reluctant resort, to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier, by judicial fallibility.

In view of the ratio laid down by the Apex Court, we do not find any merit in the Review petition and the same is dismissed, ^{by} ~~by circulation.~~


(P.P. SRIVASTAVA)
MEMBER (A)


(B.S. HEGDE)
MEMBER (J)

abp.