

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

REVIEW PETITION NO. 29/2002  
IN  
ORIGINAL APPLICATION NO. 425/2001

THIS THE 29TH DAY OF AUGUST, 2002

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT. VICE  
CHAIRMAN  
HON'BLE SMT. SHANTA SHASTRY. MEMBER (A)

R.K. Dixit & 2 Others. .. Applicants

Versus

Union of India & Others. .. Respondents

O R D E R  
Hon'ble Smt. Shanta Shastri. Member (A)

This review petition is filed against the order dated 08.01.2002 by the respondents in the Original Application No.425/2001. By the aforesaid judgment and order, the respondents were directed to reconsider the selection of the applicant against the remaining vacancy along with other similarly placed persons in the light of the circular dated 19.3.1976 of the Railway Board which had been upheld by the Hon'ble High Court and relying upon which different Benches of the Tribunal had allowed similar applications. This was required to be done within a period of three months.

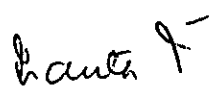
2. The respondents submit that the post of Senior CMI is a selection post comprising of only viva voce. The applicant failed to secure qualifying marks and therefore, there were not placed on the panel. According to the review petitioners identical points

were raised in OA No.796/99 in the case of J.K. Verma & 2 Ors Vs. Union of India & 4 Ors including the General Manager, Western Railway. The aforesaid OA was decided by the Ahmedabad Bench of the Tribunal on 18.10.2001. It was held in this OA that the earlier judgment of the Jaipur Bench in the case of V.N. Sharma in OA No.455/96 was decided in favour of the applicant without considering the circular of 1982 of the Railway Board. The circular has clarified that the direction given in the circular dated 29th March, 1976 does not give any enforceable right to the candidate and the intention was not to by-pass or to supersede in any manner the normal rules of selection as contained in IREM and orders issued from time to time. The review petitioners contend that the judgment and order dated 02.01.2002 in OA No.425/2001 is against the settled law. Necessary parties were not added to the OA. The General Manager of Western Railway is bound by the judgment of the Ahmedabad Bench dated 18.10.2001. Since the judgment of this Bench and the judgment of the Ahmedabad Bench are on identical issue, but in different directions, it is necessary to review the judgment of this Bench dated 08.01.2002.

3. Further, the review petitioners have also referred to a judgment of the Supreme Court in the case of Surjit Singh Vs. Union of India reported in 1997 (10) SCC 592 wherein the ratio laid down is that "the

Tribunal wrongly stated that if they commit the mistake, it is for the Supreme Court to correct the same. That view of the Tribunal is not conducive to the proper functioning of judicial service. The Tribunal is duty bound to correct with grace its mistake of law by way of review of its order."

4. We have considered the grounds raised by the review petitioners. In our judgment dated 02.01.2002 we had taken note of the circular of 1982 to which the review petitioners are referring. In para 11 of the judgment the circular of 09.8.1992 has been discussed. It was observed that the benefit of the circular dated 19.3.1976 had been extended to the applicants in a large number of cases by various Benches of the Tribunal even if circular dated 09.8.1992 and even the judgment of the Apex Court in SLP No.9866/93 in the case of R.P. Srivastava was given on 31.01.1995 i.e. after 09.8.1982 upholding the validity of the circular of 19.3.1976. The judgment of the Ahmedabad Bench now being referred to by the review petitioners was not brought to our notice though it must have been within the knowledge of the review petitioners at the time of hearing. In our considered view, no review is called for in the present case. Accordingly, review petition is dismissed.

  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

  
(BIRENDRA DIKSHIT)  
VICE CHAIRMAN

Gajan