CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 1/9/87

REVIEW   APPLICATION NO ___105 & 106___/86( )

in A.No.1914 to 20/86(T)

~~XxPxxNO~~ _____/

Applicant

N.Ulaganathan & anr.   Vs.   Divisional Railway Manager, S.Rly,
Mysore & ors.

To

1. Shri N.Ulaganathan, Guard 'C'
   Bangalore Contonment,
   Railway Station, Bangalore.

2. Shri K.Srinivasan, Guard'A'
   Yelahanka Railway Station,
   Bangalore.

3. Shri M.R. Achar, Advocate,
   No.1074-1075,
   Banashankari I Stage,
   Bangalore-50.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXXX~~
~~XXXXXXXXXXXXXX~~ passed by this Tribunal in the above said Review
application on ___24-8-1987.___.

DEPUTY REGISTRAR
~~XXXXXXXXXXXXXXX~~
(JUDICIAL)

Encl : as above

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Diary No. 1102/02/87

Date: 2/9/87

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 24TH DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

REVIEW APPLICATION NO. 105 & 106/1987

1. N. Ulaganathan, Guard 'C',
   Bangalore Cantonment
   Railway Station, Bangalore.

2. K. Srinivasan, Guard 'A',
   Yelahanka Railway Station,
   Bangalore.   ....   Applicants.

(Shri M.R. Achar, Advocate)

V,

1. The Divisional Railway Manager,
   Southern Railways, Mysore.

2. The Addl. Chief Personnel Officer,
   Southern Railway, Park Town,
   Madras.

3. The Chief Personnel Officer,
   Southern Railway, Park Town,
   Madras.

4. The Divisional Railway Manager,
   Southern Railway, Bangalore.

5. Sri Gavaian, Guard 'B',
   Yeshwanthpur Railway Station,
   Bangalore.   .....   Respondents.

    These applications having come up for hearing to-day,

Vice-Chairman made the following:

                              O R D E R

    In these applications made under Section 22(3)(f) of

the Administrative Tribunals Act, 1985, the applicants in

Application Nos.1916 and 1919/86(T) have sought for a
review of a common order made on 15.4.1987 by a Division
Bench of this Tribunal dismissing their and the other
connected applications. In making these applications
there is a delay of 94 days. In I.A. No.1 the applicants
have sought for condonation of the said delay. In I.A.
No.1 the applicants have stated that they were unaware of
the order made by this Tribunal and they came to know of
the same only when Respondent 5 was further promoted to
a higher cadre.

2.   Shri M.R. Achar, learned counsel for the applicants,
contends that every one of the facts and circumstances
stated by the applicants constitute a sufficient ground
for condoning the delay and the delay be therefore
condoned and the applications for review be admitted as
the order made was patently erroneous.

3.   We are of the view that every one of the facts
and circumstances stated in the application, even if they
are true, which we very much doubt, do not constitute a
sufficient ground for condoning the delay. In this view
I.A. No.1 is liable to be rejected.

4.   When once we hold that I.A. No.1 is liable to be
rejected the main applications for review are also liable
to be rejected without examining the merits. But we do
not propose to do so and proceed to examine whether the
order made by this Tribunal discloses any patent error
as passionately pleaded by Shri Achar.

5.   In its order the Tribunal has held that the challenge of the applicants to the higher seniority granted to Respondent 5, was liable to be rejected on grounds of delay and laches and also on the ground that any interference by this Tribunal would really upset the applicant. We are of the view that both these grounds on which the Tribunal had dismissed the applications do not disclose a patent error to justify a review. At the highest the view taken on both the aspects may be erroneous. But that will not justify us to examine them as if we are a court of appeal and come to a different conclusion. In reality and in substance Shri Achar is asking us to examine the order made by this Tribunal as if/we are a court of appeal and come to a different conclusion which we cannot do.

6.   On the foregoing discussion we reject I.A. No.1 and main Review Applications without notice to the respondents.

Sd/-
Vice-Chairman

Sd/-
Member (A)

-True Copy-

bsv/Mrv.