

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 31 MAR 1989

REVIEW APPLICATION NO (S) 12 to 14 / 89
IN APPLICATION NOS. 1181 to 1183/88(F)
W.P. NO (S) _____

Applicant (s)

Respondent (s)

Shri Abdul Wahab Khan & 5 Ors V/s Shri P.A. Myageri & 4 Ors
To

1. Shri Abdul Wahab Khan
2. Shri S.S. Ramanjanayalu
3. Shri Martin Luther
4. Shri V.S. Joshi
5. Shri V.B. Rotti
6. Shri K. Radhakrishna

(Sl Nos. 1 to 6 -

Deputy Chief Controllers
South Central Railway
Hubli)

7. Shri M. Raghavendra Achar
Advocate
1074-1075, 4th Cross
Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~XXXX/XXXXXXX/XXXXX~~
passed by this Tribunal in the above said Review application(s) on 27-3-89.

Issued
K. N. J. N.
31-3-89

d/c

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 27TH DAY OF MARCH, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY... VICE-CHAIRMAN

HON'BLE SHRI L.H.A. REGO

... MEMBER (A)

REVIEW APPLICATION NOS. 12 TO 14/89

1. Abdul Wahab Khan, Major,
Dy. Chief Controller,
S.C. Railway, Hubli.
2. S.S. Ramanjaneyalu, Major,
Dy. Chief Controller,
S.C. Railway, Hubli.
3. Martin Luther, Major,
Dy. Chief Controller,
S.C. Railway, Hubli.
4. V.S. Joshi, Major,
Dy. Chief Controller,
S.C. Railway, Hubli.
5. V.B. Rotti, Major,
Dy. Chief Controller,
S.C. Railway, Hubli.
6. K. Radhakrishna, Major,
Dy. Chief Controller,
S.C. Railway, Hubli.

... APPLICANTS

(Shri M.R. Achar..... Advocate)

1. Shri P.A. Myageri,
S/o. Andanappa,
aged about 46 years,
Dy. Chief Controller,
S.C. Railway, Hubli.
2. Shri C. Anjeevi,
age about 46 years,
Dy. Chief Controller,
S.C. Railway, Hubli.



3. Shri M. Ramachandra Kurup,
S/o P. Madhavan Pillai,
aged about 45 years,
Dy. Chief Controller,
S.C. Railway, Hubli.
4. Divl. Railway Manager,
S.C. Railway, Hubli.
5. Chief Personnel Officer
Rail Nilayam, S.C. Railway,
Secunderabad.

...RESPONDENTS

This application having come up for hearing before this Tribunal to-day, Hon'ble Shri Justice K.S. Puttaswamy, 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 Act), the applicants herein, who were respondents 3 to 8 in Applications Nos. 1181 to 1183/1988, filed by respondents 1 to 3 herein, who were the applicants therein, have sought for a review of our order made on 15.2.1988 allowing those applications.

2. In Applications Nos. 1181 to 1183 of 1988, the applicants who were duly notified, remained absent and did not contest them. On an examination of the contentions urged before us, we accepted the case of respondents 1 to 3 and directed re-drawing of the

Provisional Seniority List for the reasons stated in our order.

3. Shri M.R. Achar, learned counsel for the applicants, contends that since the challenge of respondents 1 to 3 was only to a Provisional Seniority List, which is not generally interfered with by this Tribunal, this Tribunal should have declined to interfere with the same and not having done so a patent error has crept in our order to justify a review of the same under the Act.

4. In law, there is no prohibition for this Tribunal to interfere with a Provisional Seniority List. Whether that should be done or not is essentially one of discretion to be exercised on the facts and circumstances of each case. On an examination of all the facts and circumstances this Tribunal for the reasons stated in its order had interfered with the Provisional Seniority List and had issued directions. We are of the view that our order does not suffer from a patent error to justify a review under the Act.

5. Shri Achar has given more than one explanation for the earlier absence of the applicants. But all those explanations have hardly any relevance to decide whether



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our order suffers from a patent error or not. On this, we decline to examine the pleas touching on the earlier non-appearance of the applicants.

6. Shri Achar next contends that since respondents nos 1 to 3 had sought for striking down the Railway Board's letter No. E(NG)1-78/PMI/305 dated 15.6.1979, it was not open to this Tribunal to grant them any relief without striking down the same and that this too constitutes a patent error to justify a review of our order under the Act.

7. In their applications, respondents 1 to 3 had challenged the Railway Board Circular dated 15.6.1979. But at the hearing, they did not press that challenge and rested their case on certain grounds which we noticed and decided. If so, the failure of this Tribunal to decide on the validity of the said Circular of the Board which was not pressed at the hearing, will not constitute a patent error to justify a review of our order under the Act.

8. On any view we find no patent error or any other ground to justify a review of our order under the Act. On this we reject these applications at the admission stage without notices to the respondents.

By order of the Tribunal
REPORT SECRETARY (GIL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
31/3

Sd/-
(VICE-CHAIRMAN)

Sd/-
COPY (MEMBER) (A) 27.3.989