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In the Central Administrative Tribunal  
Bombay Bench, 'Gulestan' Building no. 6  
Prescot road, Bombay 1

R P No. 190/92 in OA No. 534/92

Shri B B Kangle & Ors.

Applicant

V/s

General Manager  
Central Railway, Bombay & Ors.

Respondents

Coram: Hon. Shri Justice S K Dhaon, Vice Chairman  
Hon. Shri M Y Priolkar, Member (A)

TRIBUNALS ORDER:  
(Per: S K Dhaon, Vice Chairman)

DATED: 1-1-93

This is an application seeking the review of the order dated 21.9.92 passed by us. The applicants, who are seeking the review of our order, were not parties in the OA No.534/92 which has given rise to this application.

Upon a representation made by the Joint Office Cadre of which Shri B B Kangle & Ors. (the original applicants in OA No.534/92) were also the Members, the Chief Engineer directed that their written test will not be held and instead viva-voce test would be held. By subsequent order the Chief Engineer rescinded his earlier order and thereafter notices were issued for holding a written test. At that stage, the applicants approached this Tribunal.

This Tribunal on 26.5.92 passed an interim order directing that the respondents may hold written test for selection, but promotions consequent on written test would be subject to the decision of the OA. The said interim order continued to operate till 21.9.92.

The respondents, the General Manager, Central Railway, Bombay VT and other put in appearance and filed their replies. Their counsel <sup>was</sup> heard in apposition ~~of~~ the application.

This Tribunal quashed the order dated 24.1.91 on the short ground that the same had been passed without

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affording an opportunity to any one belonging to the Joint Officer Cadre, including the applicants. This Tribunal also directed that the Chief Engineer may pass a fresh order after giving due notice to all concerned.

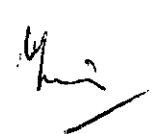
The ground taken for seeking the review of our dated 21.9.92 is that the persons seeking the review were not afforded a hearing by us. Their case is that they had appeared in the written test, and had also appeared in the viva-voce test. However, their results could not be declared in view of the interim order passed by this Tribunal.

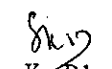
In our opinion, the present applicants who are seeking the review of our order were not necessary parties to the application. No right accrued in their favour merely because they had appeared in the written test and also in the viva-voce test. According to their own case, results could not be declared because of the interim order passed by this Tribunal. Rights, if any, could accrue in their favour only after the declaration of the result. The proceedings initiated by the respondents for holding a written test on the basis of the order passed by the Chief Engineer, which was being impugned in the OA No.534/92 before this Tribunal was subject to the decision of the application (i.e., OA NO.534/92).

This review application, therefore, <sup>can</sup> ~~will~~ not succeed.

We are disposing of this application by adopting the process of circulation which is permissible under the Rules.

The review application is rejected.

  
( M Y Priolkar )  
Member(A)

  
( S K Dhaon )  
Vice Chairman