

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

R.P.No.35/94 in  
O.A.No.288/90.

Date of order : 9.8.1996.

Between

S.Krishnamurthy

And

.. Applicant

1. Divl. Rly. Manager,  
S.C.Rly., Hyd.(MG) Divn.,  
Secunderabad.
2. Divl. Rly. Manager,  
S.C.Rly., Sec'bad (BG) Divn.,  
Secunderabad.
3. Divl. Operating Supdt.,  
S.C.Rly., Hyd.(MG) Divn.,  
Secunderabad. .. Respondents

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Counsel for the Applicant .. Shri G.V.Subba Rao

Counsel for the Respondents .. Shri W.Satyanarayana for  
Shri N.R.Devaraj, SC for Rlys

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

Heard Shri G.V.Subba Rao, learned counsel for the applicant and Shri W.Satyanarayana for Shri N.R.Devaraj, Senior Standing Counsel for the respondents.

2. The applicant seeks for a review of the order dated 28.2.94 in O.A.No.288/90. The grounds raised amount to saying that the view taken by this Tribunal is not correct. That cannot be a ground for review. It is alleged that the respondents have produced manipulated and false records and therefore the reliance placed by this Tribunal on such record is not correct.

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*MVR*

3. The respondents in their reply have denied that any manipulated or false records were produced. They have stated that the arguments and production of records were held in the presence of the learned counsel for the applicant and nothing prevented him to put such an allegation at that time. It is difficult to accept the allegation of the applicant with regard to the official record produced by the Railways.

One of the documents referred to from that record in that judgement is the order issued by the office of DRM(P) and contents of para 4 thereof have been quoted in that order. It is therefore difficult to imagine that the respondents would have produced a fabricated order issued by the office of DRM. The allegation made by the applicant therefore does not impress us.

4. Another ground raised is that the Tribunal should have taken a particular view on a particular point and the view taken is wrong. That cannot be a ground for review as this Tribunal does not sit as an appellate court. We need not refer to those grievances in detail.

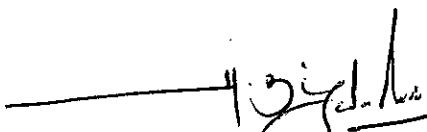
5. Another point raised is that the fitment of the applicant at Akola which was in 1986 was wrongly treated as promotion and that has resulted in wrong finding. We find from the judgement that this question has been considered in some detail and a finding has been recorded that the same was in the nature of promotion and not fitment. We cannot go behind that finding in a review application.

6. The material question was whether in pursuance of the option given by the applicant he was entitled to be absorbed in BG Division. The Tribunal has made a clear finding on that point in the following words:-

"The applicant opted to go to BG Division, but before he was sent, he got promotion(s) in the MG Division and he accepted the same, and therefore, the applicant is not entitled to go to BG Division with the promoted status."

will

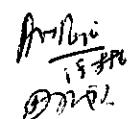
The applicant cannot re-agitate that question on the ground that the said fitment is wrong. Thus we find no ground disclosed to entertain the review application and the same is rejected. No order as to costs.

  
( H. Rajendra Prasad )  
Member (A).

  
( M.G. Chaudhari )  
Vice-Chairman.

Dated: 9.8.1996.  
Dictated in Open Court.

br.

  
Amrit  
Singh  
OML