

(5)

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

RA No.17/2005 in OA No.170/2005.

04.07.2007.

None is present for the applicant.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Division Bench on 17.07.2007.


(GURMIT SINGH)
DEPUTY REGISTRAR

P.C./

RA No.17/2005 in OA No.170/2005.

17.07.2007.

Mr. Vinod Goyal proxy counsel for
Mr. Virendra Lodha counsel for the applicant.

Heard. The RA has been disposed of by a separate order.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(KULDIP SINGH)
VICE CHAIRMAN

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

RA No.17/2005 in OA No.170/2005.

Jaipur, this the 17th day of July, 2007.

CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.
Hon'ble Mr. J. P. Shukla, Administrative Member.

B. L. Jain
S/o Shri Mohan Singh Dhabriya
Aged about 69 years,
R/o 10/601, Kaveri Path,
Mansarovar Jaipur.

... Applicant

By Advocate : Shri Vinod Goyal proxy counsel for
Shri Vinod Lodha.

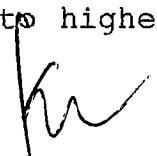
Vs.

1. Union of India through
General Manager,
North Western Zone,
North Western Railway,
Jaipur.
2. Divisional Railway Manager,
North Western Railway,
Jaipur Division,
Jaipur.

... Respondents.


: O R D E R (ORAL) :

The OA No.170/2005 filed by the applicant was disposed of by this Tribunal vide order dated 20.04.2005 against which the applicant filed a Writ Petition before the Hon'ble High Court of Rajasthan wherein it was submitted by the Learned Counsel for the applicant that it is factually incorrect that he had given up the right of promotion to higher scale. Hon'ble Bench of the High



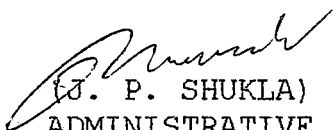
Court has observed that if the applicant had not withdrawn or not given up the right of promotion to higher scale, the petitioner will be at liberty to move review petition before the Tribunal. So the applicant has filed the present Review Application.

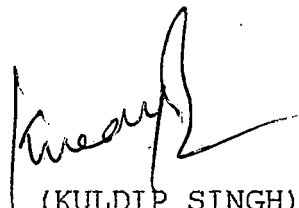
2. "On perusal of the order passed by this Tribunal we find that before deciding the OA No.170/2005, the applicant had earlier filed OA No.360/92 (72/87) before this Bench of the Tribunal and while deciding the same it was observed that in view of the statement of the learned counsel for the applicant, that applicant may be allowed to continue on the post of T.I. till his retirement so that he is entitled to pensionary benefits on the scale of pay which he was drawing at that time, the Tribunal had passed the specific order that the applicant shall be allowed to continue on the post of Traffic Inspector till the date of his retirement. While deciding OA No.170/2005, this Tribunal observed that, by implication, no other relief was asked for at that time, so the matter regarding promotions to higher scales, etc. which was not pressed or which was given up at the time of hearing of the earlier OA cannot be agitated afresh. Since it is not a case as put forward by the Learned Counsel for the applicant while challenging the order passed by the Tribunal before the Hon'ble High Court that he had not made any statement before this Tribunal giving his right for promotion but this statement is factually incorrect



as this Tribunal has observed that whatever the statement has been made that was made while OA No.360/92 was heard and not the present OA and by implication the right of promotion was given up in the OA.

3. In this Review Application the applicant has placed incorrect facts and there is no error apparent on the face of record in the OA and the Review Application stands dismissed.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(KULDIP SINGH)
VICE CHAIRMAN

P.C./