

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Date of Order: 03.01.2005

RA No. 18/2004
with
MA 194/2004
in
OA 597/2000

Irfan Ahmed son of Shri Sultan Ahmed aged about 54 years at present working as Section Engineer (PW), Western Central Railway, Sawai Madhopur Kota Division, Kota. Resident of Quarter No. 148/EB, M.G. Railway Colony, Sawai Madhopur.

....Applicant

VERSUS

1. The Union of India through the General Manager, West Central Railway, Jabalpur (M.P.) (earlier Kota Division was under Western Railway, Churchgate, Mumbai.)
2. The Divisional Railway Manager (E), West Central Railway, Kota Division, Kota.
3. Sr. Divisional Engineer (HQ), West Central Railway, Kota Division, Kota.
4. Shri N.K. Singh, Section Engineer (Control), West Central Railway, Kota.
5. Shri Babu Lal Meena, Sr. Section Engineer (PW), North Western Railway, Jaipur Division, Phulera Jn. (District Jaipur).

....Respondents

Mr. R.N. Mathur, Counsel for the applicant.

CORAM:

Hon'ble Mr. M.L. Chaunan, Member (Judicial)
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this Review Application against the order dated 8.1.2004 passed in OA No. 597/2000 whereby this Tribunal while disposing of the OA decline^t_λ grant relief to the applicant on the ground that learned counsel for the parties despite repeated query by the Bench could not explained the full details regarding as to when the charge sheet was issued and punishment was awarded to the applicant and also whether pursuant to

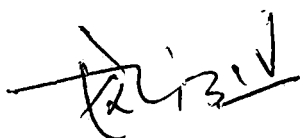
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issuance of the charge sheet, any penalty was imposed and the period of the said punishment has expired or not. It was in these circumstances, this Tribunal directed the applicant to make fresh representation to Respondent No. 2 giving full details as to whether the applicant was eligible for being promoted on the basis of select panel when his junior was so promoted and Respondent No. 2 was directed to review the entire facts of this case in the light of the representation if so made and take a decision, if he considered it necessary.

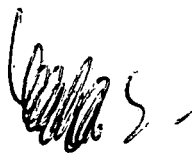
2. Now the applicant has filed the present Review Application for reviewing the order dated 08.01.2004 passed in OA No. 597/2000 on the ground that sufficient material was available before the Tribunal to come to the positive conclusion as to whether the applicant could have been denied promotion to the post of Sr. Section Engineer. Alongwith this RA, the applicant has also filed an Misc. Application for condonation of delay.

3. We have considered the submissions made by the learned counsel for the applicant. We are of the view that it is not a case where the decision rendered by this Tribunal vide order dated 8.1.2004 is required to be reviewed. In fact this Tribunal has not decided the matter on merit while disposing of the OA vide its order dated 8.1.2004 on account of non availability of sufficient material. In fact the applicant has been relegated back to the respondents by making fresh representation whereby justifying his promotion for the post of Sr. Section Engineer. It will be permissible for the applicant to file substantive OA in case the said representation is rejected on the same grounds which were available with him in the earlier OA.

4. With these observations, we are of the view that the present Review Application is not maintainable. Accordingly the Review Application as well as Misc. Application No. 194/2004 for condonation of delay shall stand disposed of accordingly.



(A.K. BHANDARI)
MEMBER (A)



(M.L. CHAUHAN)
MEMBER (J)

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