

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

REVIEW APPLICATION NO. 4/2001 in OA NO. 234/2000.

..... Date of decision : 30.03.2001

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), Western Railway, Jaipur Division, Jaipur.
3. Deputy Chief Engineer (C), 1st Western Railway, Ahmedabad, Jaipur Division.

.... Review Applicants.

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1. Hathi Ram son of Shri Sakra, R/o DRM Office, Jaipur at present employed on the post of Khallasi in Western Railway, Jaipur Division, Jaipur.
2. Smt. Neela Sewa Ram wife of Hathi Ram, at present employed on the post of Gangman, Western Railway, Jaipur Division, Jaipur.

.... Respondents.

CO-RAM :-

THE HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.
THE HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER.

PER THE HON'BLE MR.A.P.NAGRATH :-

This Review Application has been filed seeking review of the order of this Tribunal dated 8.12.2000 with the prayer to modify/set-aside the order to the extent it relates to respondent no.1. These orders were passed by this Tribunal in OA 234/2000 Hathi Ram & Ors. Vs U.O.I. & Ors as under :-

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"Under the circumstances, we direct respondent no.1 i.e. General Manager, Western Railway, to pass orders for considering the applicant no.1 for appointment against a suitable vacancy commensurate with his fitness in C-2 medical category. We would also like to observe that the applicants belong to Group D category and there are government instructions that husband and wife working under the Government should be kept at the same place as far as possible. This factor rather assumes greater importance in the case of staff working in Group - D scales. We further direct that this order be passed within a period of one month from the date of this order. We also direct that the entire period from the date both the applicants reported at Jaipur to the date they are taken on duty should be treated as having been spent on duty. No orders as to costs."

2. We find from the averments made in the R.A. that the respondents have taken a ground that while passing the said orders Divisional Railway Manager, Jaipur letter dated 10.11.2000 was not taken NOTE of by this Tribunal as there is no reference of this letter in the order passed by this Tribunal. In that letter it had been stated that the applicant no.1 was not fit in B-1 medical category and was only fit in C-2 medical category as such he can not be given appointment in Jaipur Division where there is no post vacant, and over looking the case of other seniors and medically declassified persons already waiting for their turn for appointment. This has been stated to be a mistake apparent on the face of record which needs to be rectified. Another ground is taken than the vacancies fall in Division and as such directing the General Manager to pass an order for considering the applicant no.1 is a mistake apparent on the face of record.

3. We have perused the averments made in R.A. and also the order delivered by this Tribunal on 08.12.2000. We are not inclined to agree with the grounds taken by the applicants in this R.A. The order passed by the Divisional Railway Manager on 10.11.2000 was duly taken NOTE on and we have observed in our order that the respondents have found the applicant no.1 unfit in B-1 medical category, but we have also observed that there is no submission from respondents as to what is going to be of the fate of the applicant in this circumstances. We had also seen that the respondent no.3 had taken a stand that the applicant no.1 in OA had his lien in Jaipur Division while D.R.M., Jaipur does not find any possibility to absorb him on account of his medical unfitness in B-1 medical category. We had given our anxious consideration to the stand taken by respondent no.2 & 3 and in the circumstances, we have directed respondent no.1 General Manager, Western Railway, who is Head of Railway and to whom both respondent no.2 & 3 are answerable to take a decision in the matter. There is no reason whatsoever to hold a view that our direction to General Manager is an error apparent on the face of record.

4. In view of the facts and circumstances stated above, we do not find any error on the face of record in view of the impugned order and therefore there is no basis for such a review.

Consequently, the Review Application is dismissed.

Chips
(A.P.NAGRATH)
Member (Admn.)

S.K. Agarwal
(S.K.AGARWAL)
Member (Judl.)

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