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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.A No.5/97

Date of order: 30.1.1997

Nanoo Ram Sharma : Applicant

Vs.

1. Union of India through General Manager, W.Ely, Churchgate, Mumbai-20.
2. Sr.Divl.Commercial Manager, W.Ely, Kota Jn.
3. Sr.Divl.Personnel Officer, W.Ely, Kota Jn.
4. Sohan Lal Sahu, Chief Ticket Inspector, W.Ely, Kota Jn.
5. R.S.Lal, Chief Ticket Inspector, W.Ely, Agra Fort.
6. Shamsuddin Khan, Chief Ticket Inspector, W.Ely, Kota Jn.
7. S.K.Chaturvedi, Chief Ticket Inspector, W.Ely, Kota Jn.
8. N.K.Chaturvedi, Chief Ticket Inspector, Gangapurcity.
9. K.T.Mamtani, Chief Ticket Inspector, Gangapurcity.
10. S.C.Mehra, Travelling Ticket Inspector, W.Ely, Kota Jn.
11. S.C.Porwal, Travelling Ticket Inspector, W.Ely, Kota Jn.
12. A.A.Jilani, Travelling Ticket Inspector, W.Ely, Gangapurcity
13. R.S.Meena, Travelling Ticket Inspector, W.Ely, Gangapurcity.
14. R.S.Kunderiya, Travelling Ticket Inspector, W.Ely, Kota Jn.

...Respondents.

PEF HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER.

In this review application Shri Nanoo Ram Sharma has prayed that the order passed by the Tribunal on 28.10.96 (Annex. Al) in O.A No.422/96, Nanoo Ram Sharma Vs. Union of India & Ors, suffers from an error of law which justifies its review. He has, therefore, prayed that the review application may be accepted and the O.A may be heard afresh.

2. In O.A No.422/96 the applicant had challenged his reversion from the post of CTI on which he had been appointed on ad hoc basis. The Tribunal held inter alia that the reversion of the applicant was not as a measure of penalty/ and that it has been ordered so that persons included in the selection panel can replace the applicant or similarly appointed ad hoc

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candidates. The Tribunal held that the applicant should have preferred an appeal under the provisions of Rule 18(v)(b) of the Railway Servants (Discipline & Appeal) Rules against the order of reversion passed otherwise than as a measure of penalty. All the other prayers and averments of the applicant were also considered but no merit was found therein.

3. In the present review application, the applicant has stated that the Tribunal's order suffers from errors of law due to wrong application of rule 18(v)(b) of the Railway Servants (Discipline & Appeal) Rules. The rest of the arguments in the review application are mainly to show how the Tribunal has wrongly applied the aforesaid provision.

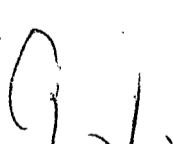
4. We have carefully considered the review application. We are of the view that it can be disposed of in limine without granting any hearing to the parties.

5. A wrong interpretation of a particular provision of law cannot be a ground for seeking a review of the order passed by the Tribunal or the Court. The ground on which review has been sought by the applicant does not fall within the scope of Order XLVII Rule 1 of the GPC. Specifically a review cannot be sought with a view to seeking reappreciation of the decision taken by the Tribunal on a particular issue on merits. The remedy in such a situation would lie in preferring an appeal against the order of the Tribunal, if so provided. We see no merit in this review application. It is, therefore, dismissed in limine.

By circulation.


(Ratan Prakash)

Judicial Member.


(O.P. Sharma)

Administrative Member.