

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR

REVIEW APPLICATION NO.291/00006/2014 WITH
M.A. 291/00088/2014 N ORIGINAL APPLICATION
NO.231/2013

DATED THIS THE EIGHTEENTH DAY OF MARCH, 2014

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI ANIL KUMAR, ADMINISTRATIVE MEMBER

Parmanand Bhagtani,
son of late Shri Tharumal Bhagtani,
aged about 78 years,
Ex.Chief Draftsman,
Jaipur Division, 403,
Parth Apartment, Ambaari,
Char Rasta,
Opp.Sunder Gopal Apartment,
Behing Balam Dairy,
Ahmedabad – 380 006.

.....Applicant

(By Dr.Saughat Roy, Advocate)

Vs.

The Union of India,
Through General Manager,
North Western Railway,
Rail Bhawan,
Near Jawahar Circle,
Jagatpura, Jaipur.

..... Respondent

(By Shri Anupam Agarwal, Advocate)



ORDER

DR.K.B.SURESH, MEMBER (J):

Heard. The basic ground raised in the review is that based on Annexure-A2 it can not be assumed that the applicant had worked as Chief Draftsman. The Code of Civil Procedure is very clear on the foundations of the reply to be given. It must be specific and if the applicant had not worked as Chief Draftsman or on an analogous post it is well within the capacity of the respondents to specifically reply, the Railways did not say so, even though they have wasted 2 paragraphs for this, no categorical statement is emanating that the applicant had not shouldered that responsibility as per Annexure-A2. If the applicant had not shouldered that responsibility he had not actually worked in that post even though his promotion which is thus a notional promotion as there is no element of selection in it, came through automatically as he is eligible, it came only later because of reorganisation of the Railways themselves. Thus it can not be held that there is fault on the part of the applicant.

2. If the applicant was not doing that job then the Railways ought to have been able to say who was doing that job, by their records. They have no record to prove that nor has taken any categorical contention that the job requirement was being met otherwise. Therefore there is no question of matters of refixation available in this as what is available is only a notional fixation which was available to applicant to be turned into an actual fixation as even though admitted very vaguely, the respondents can not deny the



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document which is Annexure-A2. Therefore there is no merit in the Review Application. The question of limitation will not arise as limitation arises as a matter of public policy to have an end to litigation at one point. Even the Board's Circular of 2003 mentions about only those people who actually did not shoulder the responsibility and only they are not entitled for arrears. Annexure-A2 is very clear that the applicant had shouldered the responsibility. The contentions of the respondents also do not support this new contention. R.A. fails. Dismissed. No costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

pm

Dr. K. B. Suresh
(DR. K. B. SURESH)
MEMBER (J)