

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

* * *

RA No. 8/97 (OA No. 455/96)

Date of order: 7-8-1997

V.N.Sharma at present employed on the post of Chief Ticket Inspector, Western Railway at Gangapur City, Kota Division, Kota.

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Divisional Railway Manager (Establishment), Kota Division, Kota.
3. Senior Divisional Commercial Manager (Establishment) Kota Division, Kota.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant
None present for the respondents

CORAM:

Hon'ble Gopal Krishna, Vice Chairman
Hon'ble Mr. O.P.Sharma, Administrative Member

O R D E R

Per Hon'ble Mr. O.P.Sharma, Administrative Member

This is a Review Application filed by Shri V.N.Sharma who was applicant in OA No. 455/96 which was disposed of by order dated 28-1-1997 by this Bench of the Tribunal. In the said OA the applicant had, inter alia, sought benefits as available from the Circular dated 19-3-1976 issued by the Railway Board. While disposing of the OA, the Tribunal had held that the contents of the Circular dated 19-3-1976 are inconsistent with the statutory provisions of para 219 of the Indian Railway Establishment Manual, insofar as these provide for relaxation in judging

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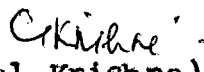
the standard of professional ability based on interview. The learned counsel for the Review applicant has brought to our notice that the Hon'ble Supreme Court in its judgment in the case of R.C.Srivastava Vs. Union of India and Another delivered in Civil Appeal arising out of SLP (C) No. 9866 of 1993 had observed that the respondents Union of India in the SLP had not been able to show that the instructions contained in the Circular dated 19-3-1976 were inconsistent with any statutory provisions. He has, therefore, sought a review of the order dated 28-1-1997 passed by the Tribunal and its recall and a fresh decision on the CA based on the merits of the case.

2. We have heard the learned counsel for the applicant and have perused the material on record. None is present on behalf of the official respondents in the present Review Application.

3. We are of the view that in view of the decision brought to our notice by the learned counsel for the applicant, the order dated 28-1-1997 deserves to be recalled. It is, therefore, accordingly recalled. The CA shall be heard afresh on merits after giving notices to the respondents. Therefore, notices may be issued to the respondents fixing 22-9-97 as the date of hearing. The Review Application stands disposed of.


(O.P.Sharma)

Administrative Member


(Gopal Krishna)

Vice Chairman