

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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Date of Order : 3.7.2002.

Review Application No. 16/2002  
in  
Contempt Petition No. 106/2001  
in  
Original Application No. 505/1997

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Ummed Mal Mathur S/o Shri Bhagwati Prasad Aged about 60 years, Resident  
of 75/62, Shipra Path, Mansarovar, Jaipur.

.....Applicant.

versus

1. Shri V.K. Agarwal, Divisional Railway Manager, Western Railway,  
Jaipur.
2. Shri Vasudev Gupta, General Manager, Western Railway, Churchgate,  
Mumbai.

.....Respondents.

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ORDER

Per Mr. Gopal Singh :

In this Review Application, review of our order dated 5.4.2002 passed in C.P. No. 106/2001 in O.A. No. 505/1997 is sought on the ground that the respondents have not complied with the orders of this Tribunal dated 30.3.2001 passed in O.A. No. 505/1997 whereas, while dismissing the C.P. this Tribunal has observed that the orders dated 30.3.2001 passed in O.A. No. 505/1997 have been fully complied with. For better appreciation we consider it appropriate to extract below operative portion of the order dated 30.3.2001 passed in O.A. No. 505/1997 :

"We, therefore, allow this OA and quash and set aside the impugned order dated 16.12.97/01.97 (Annexure A-1), we direct the respondents to assign seniority to the applicant in the



grade of Head-Clerk w.e.f. 14.7.1984 and grant him all consequential benefits w.r.t. his juniors, subject to suitability/fitness as per rules. In the facts and circumstances of the case, the parties are left to bear their own costs."

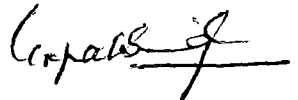
2. While dismissing the C.P., we had observed as under :-

"The learned counsel for the respondents in reply, have pointed out that the Tribunal's orders have been complied with in as much as the applicant has been given due seniority in regard to promotion with reference to his juniors. It is stated that his immediate junior has not been given any benefit of further promotion and in those circumstances, the question of giving promotion to the applicant does not arise. In these circumstances, we consider that our order has been fully complied with and the Contempt Petition does not survive. The Contempt Petition is accordingly dismissed. Notices discharged."

3. The applicant has now come up with the argument that many of the juniors of the applicant have been promoted and the case of the applicant has been ignored by the respondents though the Tribunal in its order dated 30.3.2001 had directed the respondents to extend all the benefits to the applicant at par with his juniors. The applicant has now also mentioned the names of his juniors who have been extended some benefits. Our order dated 5.4.2002 in C.P. No. 106/2001 was dictated in the presence of both the counsels. At that point of time, learned counsel for the applicant did not bring out that the juniors of the applicant have been extended the benefits of promotion etc. ignoring the claim of the applicant. The learned counsel for the applicant did not object to the statement that none of the juniors of the applicant was extended any benefit and, therefore, the question of extending consequential benefits to the applicant, does not arise.

4. It is pointed out here that the scope of a review application is very limited. The case cannot be reopened for fresh hearing in review. Fresh facts brought out now by the applicant, were never placed before this Tribunal earlier. We, therefore, do not find any error apparent on the face of records in our order dated 5.4.2002 passed in C.P. No. 106/2001 in O.A. No. 505/1997. In the circumstances, we do not find any merit in this application and the same is liable to be dismissed and is hereby dismissed by circulation.

  
(J.K. Kaushik)  
Judl. Member

  
(Gopal Singh)  
Adm. Member

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mehta