

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH**  
**ALLAHABAD**

This is the 07<sup>th</sup> day of **AUGUST, 2018**.

**REVIEW APPLICATION NO. 330/13/2010**  
**IN**  
**ORIGINAL APPLICATION NO. 330/801/2002**

**HON'BLE MR JUSTICE BHARAT BHUSHAN, MEMBER (J).**  
**HON'BLE MR MOHD. JAMSHED, MEMBER (A)**

1. Prem Nath, S/o Shri Jayanti Dass, aged about 61 years, resident of 340, Rani Mandi, Allahabad  
.....Applicant.

**VERSUS**

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
3. The Chief Administrative Officer (Construction), Northern Railway, Kashmere Gate, Delhi-6.
4. The Divisional Railway Manager, Northern Railway, D.R.M. Office, Allahabad.
5. The Deputy Chief Engineer/Construction, Northern Railway, Jammu Tawi, Jammu and Kahsmir.  
.....Respondents

Advocate for the Applicant : Shri S S Sharma

Advocate for the Respondents : None

**ORDER**  
**(Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member-J)**

This Review Application has been nominated to this Bench.

2. The Original Application No. 801 of 2002 - Prem Nath Vs Union of India and Ors was decided on 02.12.2009 whereby the Original Application was dismissed. The relevant portion of the order dated 02.12.2009 enshrined in Para-23 of the order is reproduced below:-

*"We have given our thoughtful consideration to the averments, statements and contentions of learned counsels of both the parties. We have also gone through the Original Application, Counter affidavit, Rejoinder Affidavit and other documents filed by both the parties. The main basic point in the instant case is the applicability i.e., the cut off date from which this letter would be applicable. Perusal of the letter shows that it does not indicate any cut off date. It does not state that the letter would be effective retrospectively. This circular would be construed to come into force from the date of this letter i.e., 23.2.2011 and it shall not have retrospectively effect, as such the claim of the*

*applicant is not sustainable. Hence, it is liable to be rejected. The various judgments of Hon'ble Supreme Court, High Court and Central Administrative Tribunal on which the reliance has been placed by the applicant, are not relevant in this case because they have either decided on different facts or different points of service jurisprudence are involved. No interference in the impugned decision of the respondents is warranted. Accordingly, the OA is dismissed. No order as to costs."*

3. Learned counsel for the applicant submitted that the reasoning given by this Tribunal is faulty and that clarification issued by the Railway Board cannot be given prospective effect.

4. It is apparent that this Tribunal has very limited jurisdiction as far as the provision of Review is concerned. Unless some glaring mistake, apparent from the face of record is visible, this Tribunal cannot upset the judgment passed by this Tribunal. No such mistake is visible from the face of record in this Review Application.

5. Accordingly, the Review Application is dismissed. Let the record be consigned.

**(MOHD. JAMSHED)**  
**MEMBER-A**

**(JUSTICE BHARAT BHUSHAN)**  
**MEMBER-J**

Arun..