

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-204/2014 in
OA-3878/2012
MA-3402/2014**

Reserved on : 10.05.2016.

Pronounced on : 12.05.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Hon'ble Mr. Raj Vir Sharma, Member (J)

Sh. Umesh Dutt Sharma,
Serving as Sr. Technical,
West Central Railway,
TDK, Delhi.

.... Review Applicant

(through Sh. S.N. Kaul, Advocate)

Versus

Union of India and Others through

1. General Manager,
West Central Railway,
Jabalpur, MP.
2. The Divisional Railway Manager,
West Central Railway, Kota Division,
Kota, Rajasthan.

..... Respondents

(through Sh. Kripa Shankar Prasad, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed by the OA applicant for review of our order dated 06.03.2014 by which the OA was dismissed. The operative part of the order reads as follows:-

"6. We have heard the learned counsel for the Applicant Shri M.K. Bhardwaj and the learned counsel for the Respondents Shri Rajinder Khatter. According to the Applicant himself, he appeared for LDCE for appointment to the post of JE-II held earlier on 16.06.2010. Though the Applicant was successful in the written test, he could not make it to the final list of selected candidates. His grievance was that that he had done

Diploma in Rail Transport and Management and had an additional qualification of Diploma in Electrical Engineering having 1st class certificate as such he was entitled to get additional 20 marks under the heading Personality Address, leadership and Academic/Technical Qualifications in terms of RBE No.55/86. However, this Tribunal did not find any merit in his contention and dismissed OA No.2995/2010 (supra) filed by him on 24.11.2011. In the examination held on 20.12.2011 also, the Applicant cleared the written test securing 60% marks which was more than the minimum of the prescribed marks of 50 but again could not find his place in the final list of selected candidates prepared on the basis of total marks obtained both in the written examination and the service records. Therefore, he has filed this OA alleging tampering his answer sheet and not following the correct procedure. In our considered view, there is no merit in the Original Application. He is only making wild allegations without substantiating them. Admittedly, the number of posts advertised was for three for general category candidates and one SC candidate. The Applicants position in the merit list was below the selected candidates. Therefore, he was not selected. The Applicant has not challenged the gradings given to him in his ACRs. Instead of accepting the facts, as it is, the Applicants endeavor is to find fault with others.

7. We, in the above facts and circumstances of the case, dismiss this Original Application. No costs."

2. On going through the review application and after hearing the arguments of learned counsel for the review applicant, we find that the review applicant has not been able to point any error apparent on the face of the record in our judgment. All the grounds mentioned in the review application reveal that the review applicant is trying to re-argue the case. This cannot be permitted in a review application. If the applicant is aggrieved by our findings, he should approach appropriate judicial forum.

3. The only error, which is indicated, is that in the judgment the name of the applicant has been written as Umed Dutt Sharma instead of Umesh Dutt Sharma. We find that indeed this clerical error has crept into our judgment and needs to be corrected.

4. We, therefore, dispose of this review application with a direction to the Registry to correct the name of the applicant in the memo of parties in the

judgment dated 06.03.2014 so that it reads as **Umesh Dutt Sharma** instead of **Umed Dutt Sharma**. A copy of the corrected judgment may be made available to both the parties. No costs.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

/Vinita/