

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.33/2014
in
O.A.No.2615/2012

Order Reserved on: 29.11.2017
Order pronounced on 01.12.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Shri Harbhajan Singh & Ors. ... Petitioners

(Applicant No.11, Shri Jagdev Singh Taggar)

Versus

Union of India & Ors. ... Respondents

(By Advocate: Shri A.K.Shrivastava)

ORDER

By V. Ajay Kumar, Member (J):

Heard Shri Jagdev Singh Taggar, the Review Applicant No.11, in person, as requested by Mrs. Meenu Mainee, the learned counsel for the applicants and Shri A.K.Shrivastava, the learned counsel for the respondents, and perused the pleadings on record.

2. The OA No.2615/2012 filed by the applicants was disposed of by this Tribunal by order dated 28.01.2014 as under:

4. We have heard both sides and perused the material on record. In particular, we have seen the judgment dated 24.05.2007 given by this Tribunal in OA-1613/2006. We find that in the aforesaid OA identical relief had been sought by the applicants. This was disposed of by order dated 24.05.2007, the operative part of which reads as follows:-

"21. At the most, the applicants have only succeeded in showing that there is presence of gray areas but that is hardly justification for the Tribunal to issue positive directions for grant of benefits. Since a case for interference, therefore, has not been made out, we dismiss the application, but, however, observe that the disposal of this OA will not operate in many manner for the applicants to put up representations as they may deem proper, and if they come across cogent and convincing materials in support of their contentions. No costs."

4.1 Thus, we find that this issue has already been decided by a Co-ordinate Bench of this Tribunal. They had, however, given liberty to the applicants to make any representations as they may deem proper in case they come across any cogent and convincing material in support of their contentions. On perusing the grounds on which this O.A. has been filed, we observe that no new material has been brought forward by the applicants. Their only ground is that when their grievance was brought to the notice of DRM, Firozpur, the DRM convinced by their arguments and deemed it proper to forward their cases to headquarters for clarification. Thereafter, in compliance of and order passed in OA-3521/2010, he passed the impugned order rejecting the claim of the applicants without awaiting the clarification which he had himself sought from the headquarters. However, as observed earlier the Railway Board themselves having taken note of the fact that there was a drop in the emoluments of Running Staff had issued instructions on 12.10.2004 regarding the manner in which the emoluments of Running Staff were to be calculated. The DRM while passing the impugned order has relied on those instructions. He has also relied on the judgment of this Tribunal in OA-1613/2006. In view of this, we do not feel that it was necessary for the DRM to await any further instructions from the Railway Board for deciding the claim of the applicants. We do not find any infirmity in this order.

5. In view of the above analysis, we dismiss this O.A. as being devoid of merit. No costs.

3. Seeking recalling of the said Order, the instant RA has been filed.

4. The applicants failed to show any valid ground to invoke the review jurisdiction of this Tribunal. On the other hand, they have reargued the OA on merits, which is impermissible in exercise of the

review jurisdiction. Accordingly, the review is dismissed, being devoid of any merit. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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