

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

**RA-46/2016 in
OA-2391/2014
MA-626/2016**

Reserved on : 16.02.2016.

Pronounced on : 22.02.2016.

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Shri Paras Ram Kakkar,
s/o Shri Duni Chand,
working as Chief Inspector Ticket,
Under Chief Ticket Inspector,
Line, Northern Railway
Amritsar (Punjab).

....

Applicant

(through Sh. S.P. Sethi, Advocaten)

Versus

Union of India & others : through

1. The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Firozpur Division,
Firozpur (Punjab).

....Respondents

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 02.07.2015, the operative part of which reads as follows:-

“8. We have considered the submissions of the learned counsel for the parties. First of all, it is seen that the case relied upon by the respondents in the case of **Lallan Ram's** case (supra) decided by the Honble High Court

of Allahabad is not relevant in this case. The post for which he has applied falls under the department having the technical nature of work. However, in this case, the applicant was not seeking any appointment in the technical post. '

9. But the fact of the matter is that the applicant is retiring on 31.7.2015 and at this stage, giving the direction to the respondents to refer this matter to the Railway Board and consideration by the Railway Board is a futile exercise. Accordingly, this OA is not a case fit to be entertained. There shall be no order as to costs."

2. We have heard learned counsel for the review applicant and have perused the material placed on record. Learned counsel argued that the case of the applicant has been rejected by the respondents on the ground that the post to which the applicant was seeking promotion was a safety category post but actually it was not so. The applicant was seeking promotion to the post of Asstt. Commercial Manager, who is not required to work on train. He also only has to supervise the work of commercial staff, such as, Booking Clerks, Reservation Clerks, Good Clerks, Parcel Clerk, TTEs, JTs, CITs etc. Even the syllabus for safety category post was different from that of non-safety category and medical standards were also different. Learned counsel further stated that there have been several cases in which relaxation in medical standards has been granted by the Railway Board in terms of their Circular dated 09.04.2007. Learned counsel has quoted names of certain employees, who were granted this relaxation. He has also relied on the judgment in the case of **Madan Lal Vs. UOI** (OA-3173/2003) dated 11.08.2008 where this Tribunal had allowed his OA even though Madan Lal had not appeared in the written examination.

3. We have considered the aforesaid submissions. A perusal of our order in question reveals that the case of the applicant was rejected because this Tribunal felt that very little time was left in superannuation of the applicant and, therefore, giving direction to the respondents to refer the matter to Railway Board and seek relaxation from them would be an exercise in futility. It is seen

that the review applicant has not pointed out any error apparent on the face of the record in the judgment of the Tribunal. He is only disagreeing with the finding of the Tribunal that no useful purpose would be served by referring the matter to Railway Board when very little time was left for the retirement of the applicant. If the applicant is aggrieved by the findings of this Tribunal, remedy lies elsewhere. He cannot be permitted to re-argue his case in the garb of a review application.

4. We also find that this Review Application has been filed on 01.02.2016 i.e. much after the expiry period of 30 days counted from the date of the order, which is 02.07.2015. The review applicant has filed an application for condonation of delay in which he has stated that the delay has occurred due to his mother's illness as well as his own illness. We are not convinced by the reasons given in the application for condonation of delay nor do these reasons explain the entire period of delay, which is about six months. As such, this Review Application is also barred by limitation

5. Under these circumstances, we do not find any merit in this review application and dismiss the same in limine.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/