

Central Administrative Tribunal Principal Bench, New Delhi

R.A.No.100/2016 in O.A. No.2751/2013

Friday, this the 13th day of May 2016

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. P.K. Basu, Member (A)

Krishna Kumar Bhatia aged about 63 years
Son of late Mr. Shyam Sunder Bhatia
Rtd. Chief Inspector Tickets in Group C
At Moradabad Railway Station
Northern Railway, Moradabad Division
R/o JA-21/22, Navin Nagar
MDA Colony, Moradabad UP

Through: P S Khare & H P Chakravorti
Advocates, CAT, P/Bench, New Delhi

..Applicant

(Mr. H P Chakravorty, Advocate)

Versus

1. The Union of India through
The General Manager, Northern Railway
Headquarters Office, Baroda House
New Delhi-1
2. The Divisional Railway Manager
Northern Railway, Moradabad UP

..Respondents

(Mr. S M Arif, Advocate)

O R D E R (ORAL)

Mr. P.K. Basu:

This Review Application has been filed by the original applicant against the Order dated 23.02.2016 passed by this Tribunal in O.A. No.2751/2013 whereby it dismissed the O.A. both on the grounds of limitation as well as on the question of merits. The applicant in paragraph 8.1 of the O.A. had claimed the Annexures A-2 and A-3 has been issued by the Railway Board but on scrutiny we found that these were the letters,

which were issued by the General Manager (Commercial) and cannot be construed as instructions of the Railway Board.

2. This learned counsel for the review applicant argues today that the instructions dated 03.02.1995 have not been withdrawn by the Railway Board and, therefore, they still hold good. Secondly, it is argued that upto 2012, his month-wise penalty earning has been certified by the Chief Ticket Inspector, Northern Railway, Moradabad and, therefore, there is no delay on his part.

3. We have examined this issue with respect to the law laid down by the Hon'ble Supreme Court in **Union of India v. Tarit Ranjan Das**, 2004 SCC (L&S) 160, **State of West Bengal & others v. Kamal Sengupta & another**, (2008) 2 SCC (L&S) 735 and **Kamlesh Verma v. Mayawati and others**, (2013) 8 SCC 320, and in paragraphs 4 and 5 of the Order under review, on the question of limitation, the Tribunal held that the O.A. is not maintainable due to limitation in view of the judgment of the Apex Court in **P.K. Ramachandran v. State of Kerala & another**, JT 1997 (8) SC 189. Similarly, in paragraphs 6 and 7 of the Order under review, it has been analyzed in detail and we came to the conclusion, based on facts produced before us, that there are no Railway Board's instructions providing for three increments and, in fact, the letter dated 03.02.1995 will have no bearing in this case, as it has been issued by the General Manager (Commercial). It was also observed by us that the General Manager (Commercial) should be more careful while issuing such letters, for which no rules and instructions are available with the Railway Board.

4. In this conspectus, we are of the clear opinion that the review applicant has failed to indicate any error apparent on the face of record and, therefore, in the light of the aforementioned judgments of the Apex Court (supra), we do not find any merit in the Review Application and the same is accordingly dismissed. No costs.

(P.K. Basu)
Member (A)

(Jasmine Ahmed)
Member (J)

May 13, 2016
/sunil/