

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

M.A. No. 3333/2017 in
R.A. No. 100/2017 in
O.A. No. 3892/2013

New Delhi this the 9th day of November, 2017

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Kulwant Kaur – LR &
Widow of Shri Teja Singh,
S/o Shri Mohan Singh,
Retd. Chief Publicity Inspector,
Northern Railway, New Delhi.

Residential Address:-

30-C, Deep Enclave,
Ashok Vihar, Phase-III,
Delhi -110052.

.. Review Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India, through :

1. The General Manager,
Northern Railway,
Headquarters Office,
Baroda House, New Delhi.

2. The Secretary,
Ministry of Railways,
Railways Bhawan,
New Delhi.

.. Respondents

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

MA 3333/2017

The instant MA is filed seeking to restore the RA No.100/2017, which was dismissed in default and non-prosecution on 10.08.2017.

2. In the circumstances and for the reasons mentioned therein and in the interest of justice, the MA is allowed and, consequently, the RA is restored to its original file.

RA 100/2017

Heard the learned counsel for the review applicant.

2. The O.A. No.3892/2013 filed by the applicant was dismissed as not maintainable on the ground of limitation and also on the ground of non-joinder of necessary party, vide order dated 09.03.2017. The original applicant filed the instant Review Application seeking to recall the said order.

3. Shri G.D. Bhandari, learned counsel for the review applicant, mainly submits the following grounds in support of his review application:

(i) On 31.01.2017, this Tribunal heard both the counsel at length and to see the original letter No.E(GP)/87/2/72 dated 28.05.1990 incorporated in para 208.2 of the IREM, directed the respondents' counsel to produce the original of the said letter and listed the O.A. for further hearing on the next day. However, the matter adjourned from time to time and finally, on 09.03.2017, this Tribunal dismissed the O.A. on different grounds.

(ii) The applicant questioned the Annexure A-1 (in the O.A.), Order dated 19.09.2013, whereunder the representation of the applicant was rejected by the respondents and since the O.A. was filed on 29.10.2013, the question of limitation does not arise at all, and dismissing the O.A. on the ground of limitation is an error apparent on the face of the record.

(iii) The applicant has not made any claim against Shri Ubedur Rehman and, hence, dismissing the O.A. on the ground of non-joinder of said Shri Ubedur Rehman is also another error apparent on the face of the record.

3. The claim of the applicant relates back to the year 1999, when he was not promoted to the post of Public Relation Officer as he did not clear the written examination, and that one, Shri Ubedur Rehman was selected. Admittedly, the applicant retired from service on 28.02.2002. The order dated 19.09.2013, which was impugned in the O.A., itself clearly indicates that the applicant made the representation on 05.09.2011, i.e. after a lapse of about 9 years from the date of his retirement and after a lapse of about 12 years from the date of his alleged claim for the post of Public Relation Officer. Hence, the contention of the applicant that the O.A. may not be dismissed on the ground of limitation and non-joinder of necessary party, cannot be accepted as the claim itself was stale

and dead and hopelessly barred by limitation, and that his claim was against his non-selection and selection of Shri Ubedur Rehmar, as observed by this Tribunal.

4. Once this Tribunal dismissed the O.A. on the grounds of limitation and non-joinder of necessary party, there is no necessity to examine any other documents on the merits. Hence, we do not find any merit in the Review Application and, accordingly, the same is dismissed. No order as to costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti/