

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**R.A. No.15/2017 with M.A. No. 194/2017 In  
O.A. No.3879/2013**

Reserved On: 28.01.2019

Pronounced On: 01.02.2019

**Hon'ble Sh. V. Ajay Kumar, Member (J)**

**Hon'ble Ms. Aradhana Johri, Member (A)**

Sh. Yogender Kumar Sharma,  
S/o Sh. Thakur Dass Sharma,  
Age about 46 year,  
Working as Technician Gr.I,  
Under Sr. Section Engineer (TRD),  
North Central Railway,  
Edgah, Agra, (UP).

.....Review Applicant

(By Advocate: Ms. Meenu Mainee)

Versus

Union of India & Ors. :through

1. The General Manager,  
North Central Railway,  
Allahabad(UP).
2. The Divisional Railway Manager,  
North Central Railway,  
Agra Cantt,  
Agra, (UP).
3. Sh. Vinod Kumar Sharma,  
S/o Sh. Jagdish Pd. Sharma,  
Posted as Tech.I (L/Man)  
Under Sr. Section Engineer (TRD),  
North Central Railway,  
Edgah, Agra (UP).

..... Respondents

(By Advocate: Shri Shailendra Tiwary)

**ORDER**

**Mr. V. Ajay Kumar, Member (J) :-**

The applicant, a Technician Grade-I in the respondent-North Central Railway, filed O.A. No. 3879/2013 seeking to set aside the

provisional panel dated 29.01.2013 wherein the private respondent No.3 was placed for the purpose of selection for promotion to the post of JE/TRD in Electrical (TRD) cadre for one un-reserved vacancy against 25% LDCE quota. This Tribunal, after hearing both sides, dismissed the OA, on merits, vide order dated 10.08.2015.

2. Aggrieved by the said order, the applicant filed the instant RA along with an MA seeking condonation of delay in filing the said RA.

3. Heard Ms. Meenu Mainee, the learned counsel for the review applicant and Shri Shailendra Tiwary, the learned counsel for the respondents and perused the pleadings on record.

**M.A. No. 194/2017**

4. In the circumstances and in the interest of justice, and for the reasons mentioned therein, the MA is allowed and the delay is condoned.

**R.A. No. 15/2017**

5. Ms. Meenu Mainee, the learned counsel appearing for the review applicant, inter alia, submitted that in spite of due diligence and care, the applicant could not produce Annexure R-2 letter dated 22.04.1987 before this Tribunal, at the time of hearing of the OA, which is having a bearing on the decision of this Tribunal and hence, the judgment of this Tribunal in the OA is required to be reviewed.

6. The applicant mainly raised two grounds in the OA. The first ground was that he secured more marks than the respondent No.3 in the selection process, but this Tribunal after examining the various documents and the submissions made on behalf of both sides, gave a categorical finding that the 3<sup>rd</sup> respondent got more marks than the applicant. In respect of the 2<sup>nd</sup> ground raised by the applicant, that the respondents did not award any marks to him for the higher academic/technical qualification of Diploma in Railway Engineering possessed by him, this Tribunal after considering the Circular of the Railway Board dated 13.09.2006 held that there was nothing wrong in the action of the respondents in awarding less marks to the applicant in the said selection in respect of his qualifications. The Annexure R-2 dated 22.04.1987 on which the applicant is placing heavy reliance in support of the review, only talks about the proformas to be used while preparing the Confidential Reports of the Railway employees. In our considered view, the said letter has no bearing on the merits of the case of the applicant.

7. In the circumstances and for the reasons mentioned above, we do not find any merit in the RA and accordingly the same is dismissed. No costs.

**(Aradhana Johri)**  
**Member(A)**

**(V. Ajay Kumar)**  
**Member(J)**

RKS