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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.NO.70/2004 in
O.A.No.3059/2003

New Delhi, this the 23rd day of March, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.SINGH, MEMBER (A)

Shri Suresh
s/o Shri Laloo
Carriage Cleaner
Under Section Engineer (C&W)
Northern Railway
Dehradun. .. Applicant

Versus

Union of India through

1. The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Chief Personnel Officer
Northern Railway
Baroda House
New Delhi.

3. The Divisional Railway Manager
Northern Railway
Moradabad (U.P.)

4. The Asstt. Mechanical Engineer (I)
Northern Railway
Moradabad. ... Respondents

O R D E R (By Circulation)

Justice V.S. Aggarwal:-

Applicant Shri Suresh had filed Original Application No.3059/2003. It was disposed of by this Tribunal on 18.12.2003. This Tribunal had disposed of the said application holding:

> "3. When the matter is still pending, we dispose of the present application directing respondent No.1 to consider and decide the controversy of the applicant preferably within four months of the receipt of a certified copy of the present order. It shall be highly appreciated if the speaking order is passed and communicated to the applicant."

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2. The respondents seek review of the said order contending that after the decision of this Tribunal dated 4.12.1998 the matter was taken up to the Delhi High Court and the Delhi High Court in CW No.375/99 had directed that the order of the disciplinary authority of punishment of removal from service followed by the orders of the appellate and reviewing authority are quashed. The applicant was directed to be reinstated in service within one month without back wages with liberty to the respondents for fresh departmental inquiry, if so advised.

3. Despite the said order, it is contended that the applicant had again approached this Tribunal by way of Original Application No.3059/2003 in which the order referred to above had been passed which had already been finally decided by the High Court.

4. We do not dispute the proposition that once the matter had been finally settled by the Delhi High Court, the same question cannot be gone into. But perusal of the order passed by this Tribunal clearly show that this Tribunal had simply directed the representation to be decided. This does not affect the rights of the petitioners/respondents. The representation can always be filed and will be decided in accordance with law. Taking note of the order of the High Court, in this backdrop, it cannot be termed that there is any order that has been passed contrary to the order of the Delhi High Court which calls for review of our order.

5. Accordingly, Review Application being without merit, must fail and is dismissed.

(S.A.Singh)
Member (A)

(V.S. Aggarwal)
Chairman

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