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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO.191/2004
in
O.A. NO.2471/2003

This the 22 day of July, 2004

HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

General Manager,
Northern Railway & Anr.

... Applicants

-versus-

Girish Kumar Sharma

... Respondent

O R D E R (BY CIRCULATION)

Hon'ble Shri V.K.Majotra, V.C.(A) :

OA No.2471/2003 was disposed of with the following observations/directions to the respondents :

"6. The contention of respondents that there are no vacancies is unacceptable. They had gone to the extent of holding written test and declaring its result for selection for five posts against 33-1/3% promotee quota of Clerk-cum-Typist. Obviously five posts of Clerk-cum-Typist do exist for which written test had been held and the applicant had qualified. Respondents have not assigned any administrative reasons for cancellation of the selection process. It is held in these circumstances that five vacancies of Clerk-cum-Typist do exist at present for which selection process had been initiated by the respondents. Applicant had been successful in the written test and was waiting for his interview. The repeated directions of this tribunal are unambiguous that applicant has to be considered for regularisation against the next available vacancy in Group 'C' (Typist). Respondents have dragged this matter unnecessarily hindering implementation of the judicial orders. We deprecate the stubborn attitude of the respondents and re-direct them to revive the process of selection which is stated to have been cancelled by the respondents on 13.2.2004. They must hold applicant's interview for the post of Clerk-cum-Typist against the 33-1/3% promotee quota for which selection had been initiated but cancelled on 13.2.2004. The above process

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as related to applicant's selection must be completed within a period of one month from the date of communication of these orders. In the event of applicant being found suitable in the interview so conducted, applicant shall be appointed forthwith, as it has already been held above that vacancies are available for which selection had been initiated.

7. The OA is disposed of in the above terms. NO costs."

2. Through this application respondents in the OA have sought review of the aforesaid orders stating that certain facts were not brought to the notice of the Tribunal before disposal of the OA on 22.4.2004. The facts stated in this application were very much in the knowledge of the review applicants. In their counter affidavit in the OA, respondents had admitted themselves that applicant had qualified the written test of the selection against 16 - 2/3% promotee (matric) quota for Clerk-cum-Typist but interview could not be held due to "some administrative reasons. The applicant shall be called for interview as and when it is held." The observations and directions were made by the Tribunal after taking into consideration the contentions raised on behalf of both sides. The points raised in this application are an afterthought and an attempt has been made through this application for arguing the matter afresh. This is not within the scope and ambit of a review petition.

3. As such, this review application is dismissed in circulation.

S Raju
(Shanker Raju)
Member (J)

/as/

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A)