

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.278/2003 in
OA No.2639/2002

New Delhi, dated this the 3rd day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.K. Naik, Member(A)

1. Rajbeer Singh
Constable of Delhi Police
(PIS No.28930943)
In O/o DCP 5th Bn. DAP,
Kingsway Camp, Delhi.
2. Jawahar Lal
Constable of Delhi Police
(PIS No.28930938)
In O/o PM Cell Main Security Line,
Vinay Marg, New Delhi.
3. Shish Ram
Constable of Delhi Police
(PIS No.28930734)
In O/o DCP 5th Bn. DAP,
Kingsway Camp, Delhi.

... Review Applicants

versus

1. Commissioner of Police,
Police Head Quarters,
IP Estate, New Delhi
2. Joint Commissioner of Police,
(Establishment) PHQ,
IP Estate, New Delhi

... Review Respondents

ORDER (In Circulation)

Justice V.S. Aggarwal:-

Applicants had filed O.A.No.2639/2002. They were above 40 years of age. They had prayed for quashing of the orders and also the Departmental Promotion Committee proceedings with a further direction to consider their names for admission to Promotion List 'C' from 28.2.2000 or from 13.11.2001 and to promote them as Head Constable from the date their immediate juniors were promoted. The application was dismissed on 13.8.2003.

JS Ag

2. Applicants seek review of the said order contending that the respondents misrepresented and committed a fraud on this court by stating that all the applicants tried their luck by taking the test for promotion to List 'A'. It is now being pleaded that applicant no.3 had not taken the said test.

3. Perusal of the order referred to above shows that the respondents informed that the applicants had tried their luck by taking the test for promotion to List 'A' under rule 12 of the Delhi Police (Promotion and Confirmation) Rules, 1980. This was only one of the added grounds and even if, per chance applicant no.3 had not taken the test, it does not mean that the entire order has to be recalled. The main application and the contentions raised had earlier been rejected. Therefore, it cannot be a ground to review the said order.

4. In that event, it had been pleaded further:


(a) this Tribunal failed to appreciate that the applicants were above the age of 40 years and were eligible for promotion to List 'C' as Head Constables on basis of their seniority; and

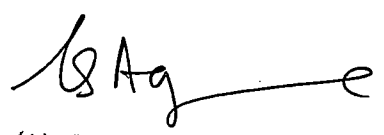
(b) order dated 13.3.2003 was concealed whereby the confirmation of the applicants was

CS Ag

ante-dated.

5. Even if the contentions are accepted, we find that this is not a ground to review or to notice that there is any error apparent on the face of the record. The application failed on consideration of the relevant rules and the order that had been issued by the Lieutenant Governor in this regard. We are of the considered opinion that it will not affect the merits of the matter. The review must fail and is dismissed by circulation.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

/sns/