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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. No.353 OF 2003
IN
O.A. No.3145 OF 2002

New Delhi, this the 2nd day of January, 2004

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

The Director
Central Road Research Institute,
Mathura Road,
New Delhi-110020.

.....Review Petitioner

Versus

1. Dr. (Mrs.) Nabanita Dutta
8-33, Soochana Apartment,
Plot No.15, Vasundhara Enclave,
New Delhi-110096.
2. Union of India, through
The Secretary,
Counsel for Scientific & Industrial
Research, Rafi Marg,
New Delhi-110001.

.....Respondents

O R D E R (BY CIRCULATION)

SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER:-

The original respondent no.2 has filed this review application requesting deletion of certain observations in the order dated 2.9.2003 in OA 3145/2002. This Tribunal by the said order dated 2.9.2003 in paragraph 6 had made the following observations:-

"The required eligibility period for consideration is 15 years continuous service which the applicant has not yet completed. However, the respondents have power to relax such a requirement under this quick hire scheme. The respondents' learned counsel stated that the decision of the Hon'ble Lucknow Bench of the High Court giving such a direction in the case of Dr.Ragini Sahani and 55 Others Vs. Union of India and others in Writ Petition No.69(SB) of 2001 by their judgment dated 7.5.2003 is still subjudice as the Special

Chandra Shekhar

Leave Petition filed by the respondents is still pending before the Hon'ble Supreme Court for consideration. Even if the decision of the Lucknow Bench of the High Court is to be followed, the applicant is to make an application for relaxation of eligibility criteria. The learned counsel of the respondents submitted that no such application has been made by the applicant so far and if any application is made, the same will be considered in accordance with the law and rules. In our opinion, the submissions on behalf of the respondents appear to be justified on the facts of this case. In case, the applicant makes any representation for such consideration, the respondents have to consider the same in accordance with the Courts decisions and the applicable rules. So far as, the applicant's selection against direct recruitment posts is concerned, the applicant may be given age relaxation to the extent of service rendered by her with the respondents if she applies for such a direct recruitment post in future and is found otherwise eligible."

2. The claim of the present review applicant/original respondent no.2 is to the following effect:-

"6. It is respectfully submitted that the counsel for the respondent never submitted before this Hon'ble Tribunal that if any application is made by the applicant for relaxation of eligibility criteria, the same will be considered in accordance with the law and rules. The counter affidavit filed by the respondent also does not support such submission as has been held by this Hon'ble Tribunal.

7. That it appears that by mistake such factual error has appeared in the order passed by this Hon'ble Tribunal dated 2.9.2003. In the circumstances, this Hon'ble Tribunal may factually correct the order dated 2.9.2002 to the affect that no submission was made by the counsel for the respondents that in case the applicant makes an application, the same will be considered in accordance with the law and rules.

W. S. N. Singh


3. That it is also brought to the notice of this Hon'ble Tribunal that the judgement passed by the Lucknow Bench of the High Court of Allahabad dated 7.5.2003 has been stayed by the Hon'ble Supreme Court vide order dated 6.10.2003."

3. On the facts of this case, the grievance of the present review applicant/original respondent no.2 appears to be misconceived. On 2.9.2003, the judgement of the Hon'ble Lucknow Bench of the Allahabad High Court in the case of Dr. Ragini Sahani and 55 others (supra) was subjudice before the Hon'ble Supreme Court. The Hon'ble Supreme Court has stayed the operation of that judgment only on 6.10.2003 only. Therefore, this Tribunal had observed as extracted earlier. Whether the facts of Lucknow Bench decision in the above referred to case were similar to the case of the original applicant or not is matter of arguments and debate. The scope of review under Section 22 (3)(f) of the Administrative Tribunals Act, 1985 is limited to correction of mistakes, which are obvious and apparent. This has been so held by the Hon'ble Supreme Court in the case of Subhash Vs. State of Maharashtra and Anr., 2002 AIR 2537. Even otherwise, this Tribunal had only observed that "if any application is made, the same will be considered in accordance with the law and rules". There is no observation or direction to the original respondents to follow the decision of the Hon'ble Lucknow Bench of the Allahabad High Court. It is apparent that if the original applicant made any representation, the original respondents were duty bound to decide the

Amr Singh

same in accordance with law and rules. So, there is no error in the judgement dated 2.9.2003 of this Tribunal which calls for review.

4. Therefore, this review application is rejected at the circulation stage even without issuing notice to the parties.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER



(SHANKER RAJU)
JUDICIAL MEMBER

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