

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 52/2003
IN
OA 520/2002

New Delhi this the 9th day of July, 2004

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri R.K. Upadhyaya, Member (A)

In the matter of:-

Rajender Shah Singh
S/o Shri Hargovind Shah Singh,
R/o EA-262, SFS Maya Enclave,
New Delhi-110064.

... Review Applicant.

(By Advocate Shri S.K. Gupta)

Versus

1. Union of India,
Through Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Director General (Research & Development),
Defence Research Development Organisation,
Directorate of Administration (DPRM),
Ministry of Defence, DHQ,
New Delhi.

3. Director,
D.I.F.R./C.E.E.S.
Metcalf House,
Brig. S.K. Majumdar Road,
New Delhi-110 054.

... Respondents.

(By Advocate Shri K.C.D. Gangwani)

O R D E R

Hon'ble Shri R.K. Upadhyaya, Member (A).

This Review Application (RA 52/2003) has been filed under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 for reviewing the order of this Tribunal dated 11.12.2002 wherein this Tribunal rejected the claim of the applicant for holding the review DPC meetings for promotion to the

Am 20/7/04

12

post/grade of Technical Officer 'B' from the date of promotion of his juniors. This Tribunal had observed that "In the C-PAR for 1996, however, there is a mention in the C-PAR-Dossier of applicant No.1 that he had been awarded a punishment for his involvement in preferring a false LTC claim and further that this applicant had filed an application before the Tribunal. There is no mention of the aforesaid punishment in the C-PAR of this applicant for 1997, 1998, 1999, 2000 and 2001". It has also been observed:

".....After a careful perusal of the aforesaid C-PAR-Dossiers of these applicants, we have not come across any whisper of bias or prejudice against any of them so far as the assessment of their work is concerned".

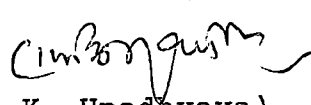
x x x x x
"....In the aforesaid facts and circumstances, we find no ground for ordering holding of review DPC meetings for considering the claims of the applicants for promotion with retrospective effect from the date their juniors were promoted. Applicant No.1 has not been promoted yet, while seniority without the benefit of arrears of pay and allowances. We find the same in order".


2. By this Review Application, it is claimed that the C-PAR of the year 1996 was an important and influencing factor in assessing the records of the applicant. Since the penalty has been mentioned, it must have been taken into account by the DPC while considering the promotion. But as a matter of fact, the said penalty no longer exists and has been set aside by this Tribunal by order dated 28.6.2000 in OA 609/1997. Even the Civil Writ Petition filed by the respondents before the Hon'ble High Court of Delhi stands dismissed. Therefore, the respondents should be ordered to hold a review DPC ignoring the fact of imposition of penalty mentioned against the adverse remarks communicated and copy attached.

Am Singh

3. We have heard the learned counsel of the parties.

4. The main argument of the learned counsel of the applicant is that if the mentioning of imposition of penalty has affected the assessment of the applicant, the same should be quashed. The perusal of the order dated 11.12.2002 indicates that all these things were argued and considered by the Bench. As extracted earlier, the Tribunal had come to the conclusion that no prejudice has been caused to the applicant. We ourselves have again perused the material relating to the assessment for promotion. We find that the assessment for the year 1996 was not in any way affected by the remarks regarding imposition of penalty which has subsequently been set aside by this Tribunal. The scope of review is limited to the correction of obvious and patent errors and mistakes. The Hon'ble Supreme Court in the case of Subhash Vs. State of Maharashtra and Anr. (AIR 2002 SC 2537) has held that the review under Section 22 (3) (f) of the Act is maintainable only if the error pointed out is plain and apparent. It cannot be another chance for arguing the same point as if in the Original Application. Considering the entire facts of this case, we do not find that review of order dated 11.12.2002 is maintainable in this case. Accordingly, this Review Application is rejected without any order as to costs.


(R.K. Upadhyaya)
Member (A)


(Shanker Raju)
Member (J)

'SRD'

13