

CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH



R.A.NO.06000004/2020 &
 R.A.NO.060/00005/2020 IN
 O.A.NO.060/00412/2019

Decided on: 30.01.2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)

Dr. Arun K. Jain, aged 60, S/o Sh. K.C. Jain, R/o H. No. 195, Sector 12-A, Panchkula Haryana currently working as Professor in Eye Department and Head of Unit III in Advanced Eye Centre, Post Graduate institute of Medical Education & Research, Chandigarh Pin: 160014 (Group-A).

Applicant

Versus

1. Union of India through the Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi, 348 "A" Wing, Nirman Bhavan, New Delhi-110011.
2. Post Graduate Institute of Medical Education and Research, Sector-12, Chandighr-160014, through its Director
3. Senior Administrative Officer, Post Graduate Institute of Medical Education and Research, Sector-12, Chandighr-160014.
4. Dr. Surinder Singh Pandav, Professor, Post Graduate Institute of Medical Education and Research, Sector-12, Chandigarh-160014

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Respondents



ORDER (BY CIRCULATION)
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Both these Review Applications involving identical issues are being disposed of by this common order.

2. The Original Application (O.A) filed by the applicant, involving the question, as to whether a tentative/provisional seniority list can be called as tentative/provisional even after its existence for two decades and can be rectified, after huge delay, only because it is called 'tentative/provisional', was decided vide order dated 24.12.2019 in favour of the applicant, in the light of settled law that seniority once settled is decisive in the upward march in ones chosen work or calling and gives certainty and assurance and boosts the morale to do quality work as it instills confidence, spreads harmony and commands respect among colleagues which is a paramount factor for good and sound administration and Court answered the poser holding that the tentative/provisional seniority list, which existed for over two decades and was acted upon for making further promotions for all these years, cannot be called as tentative/provisional and it cannot be, tinkered with, after such huge delay of over two



decades on the touch stone of sit back principle, limitation, delay and laches, estoppel and acquiescence.

3. Now the Official Respondents No.2&3 have filed R.A.No.060/00004/2020 and Respondent No.4 (Dr. Surinder Singh Pandav) has filed R.A. no. 060/00005/2020 for review of aforesaid order on the ground that seniority lists of applicants and private respondent were never finalized and as such it could be corrected by the Department and judicial pronouncements have wrongly been applied by this Court while allowing the claim of the applicant.

4. The pleas raised by both set of applicants in Review Applications do not fall within the limited scope of Order 47 rule 1 CPC. It is now well settled principle of law that the scope for review is rather limited, and it is not permissible for the Court or Tribunal to act as an Appellate Authority, in respect of the original order by a fresh and re-hearing of the matter, to facilitate a change of opinion on merits. The reliance in this regard is placed on the decisions of the Hon'ble Supreme Court in cases of **PARSION DEVI AND OTHERS VS. SUMITRI DEVI AND OTHERS** (1997)

8 SCC 715 and **GOPAL SINGH VS. STATE CADRE**

FOREST OFFICERS' ASSOCIATION & OTHERS (2007) 9



SCC 369.

5. Meaning thereby, an order can only be reviewed if case strictly falls within the pointed domain of Order 47 Rule 1 CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985 and not otherwise and perusal of both applications shows that none of the elements which may warrant review in terms of indicated rule formulation, is available in the case in hand. The applicants in R.A have neither pleaded nor urged any error on the face of record warranting review of the order in question, except re-arguing the case all over again and raising speculative grounds which is not permissible.

6. In the wake of aforesaid discussion, the R.As are dismissed, by circulation. Connected M.As, if any, also disposed of as such.

**(SANJEEV KAUSHIK)
MEMBER (J)**

**(A.K. BISHNOI)
MEMBER (A)**

Place: Chandigarh
Dated: 30.01.2020

HC*