

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

R.A.No.25/2019

Dated 02 day, the 06 day of 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

Hon'ble Mr.T.Jacob, Administrative Member

Anebousselvane C

Storekeeper, Department of Anesthesiology

JIPMER, Puducherry.

... Applicant

By Advocate M/s B. Abdulsamath

Vs.

1. Jawaharlal Institute of Post Graduate

Medical Education & Research (JIPMER)

Rep. By its Director, Dhanvantri Nagar

Puducherry – 605 006.

2. The Deputy Director (Admin)

Jawaharlal Institute of Post Graduate

Medical Education & Research (JIPMER)

Rep. By its Director

Dhanvantri Nagar

Puducherry – 605 006.

... Respondents

By Advocate Mr. M.T. Arunan

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

This is an application filed seeking review of the Tribunal's order dt.26-4-2019 summarily dismissing OA 1425/2016 without giving a chance for hearing.

1. This Tribunal disposed off the dispute by observing " In view of the clear policy regarding tie and the correct application of the same in the instant selection process, we are unable to find fault with the impugned order. We also note that the selected candidate has not been impleaded in this OA as a necessary party which shows that the OA is frivolous.

2. According to the RA applicant, he was reverted from the post of storekeeper on the basis of an earlier order passed in OA 1270/2012 directing the respondent to reduce one mark received to him by invoking the Latin Maxim "***ambiguitas contra stipulatorem est***", the person who indulged in ambiguously marking the answer cannot capitalize the same. On the direction of the tribunal JIPMER reduced his marks and gave appointment to one Rameshan. The applicant is challenging his reversion order in this OA.

3. We have gone through the review application and find that when the matter came up for admission, the tribunal has dismissed the OA without going into the merits of the reversion order passed against the applicant. The applicant ought to have been given an opportunity to hear his case on merits.

4. The Tribunal has not looked into the various facts which lead to the filing of this original application.

5. In view of the above, we find that the order dt.26-4-2019 in OA 1415/16 is liable to be reviewed.

6. **Accordingly, we hereby review the order of dismissal passed and restore the OA to the file of this tribunal.**

7. The RA is allowed accordingly.

(T.JACOB)
MEMBER (A)

02.06.2020

(P.MADHAVAN)
MEMBER(J)

M.T.