

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

**R.A. No. 09 of 2020**

Date of order: 24.02.2020

**By circulation**

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)  
Hon'ble Mr. Swarup Kumar Mishra, Member(J)**

Sri Maheswar Panda, aged about 62 years, S/o-Late Sridhar Panda Retd. as Section Supervisor CO Office of Chief Postmaster General, Odisha, At/PO/PMG Square, Bhubaneswar, Dist-Khurda.

.....Applicant

**-Versus-**

1. Union of India represented through its Secretary, Department of Post Dak Bhawan, New delhi-110001.
2. Chief Post Master General, Odisha Circle, PMG. Square, Bhubaneswar, At/PO/Bhubaneswar, Dist-Khurda, PIN-751001.
3. Director, Postal Services, Odisha Circle, Bhubaneswar, AT/PO/Bhubaneswar, Dist-Khurda PIN-721001.

.....Respondents

For the Applicant : Mr. S. Mohanty

For the Respondents: Mr. C. M. Singh

**O R D E R**

**Per Mr. Gokul Chandra Pati, Member(A):**

The Review Application No.9/20(in short RA) has been filed by the applicant challenging the order dated 24.12.2019 of this Tribunal passed in OA No. 443/16, in which direction has been given to the respondents to consider the promotion of the applicant to cadre of HSG -II grade w.e.f. 01.04.2017 treating to him to have been completed 3 years of service in LSG Cadre as on 01.04.2017.

2. Being aggrieved, the applicant has filed the RA mainly on the ground that his promotion to the LSG cadre should be considered from the year 1997 which has been allowed to him and the revised recruitment rule will not be applicable, to his case since he was notionally promoted to LSG cadre w.e.f. 01.04.1997 by the respondents in compliance to the order dated 20.01.2014 of Hon'ble High Court. It is further submitted in the RA that the documents at Annexure-A/1, 2, 3, 6 and 8 were not considered while passing the order. It is further stated in the RA, that the Tribunal has made out a third case, which is not the case of the applicant nor that of the respondents.

3. Perusal of the grounds in the RA reveals that those grounds related to appreciation of facts and legal points and there do not point out to any error or mistake apparent on face of the record.

4. It is the settled position of the law that the RA can be entertained by the Tribunal for reviewing of its own order in accordance with the Rule(I) Order 47 of the CPC which permits limited grounds like error or mistake in the order apparent on the face of record or any new facts that came to the light after consideration of the OA by the Tribunal. The RA has pointed out that Annexure-1, 2, 3, 6 and 8 were not

considered by the Tribunal and those documents would have established his claim for LSG cadre w.e.f. 1997. Such claim of the applicant has been considered in the impugned order with reference to the Recruitment Rules of 1976 which also stipulated requirement of 3 years service in LSG for promotion to HSG-II and although the applicant was allowed benefit of notional promotion to LSG w.e.f. 1.4.1997, but he was actually posted to LSG cadre post on 10.6.2015 for which he did not complete 3 years of regular service on the date of his superannuation. How consideration of some of the documents in the OA would have changed the position with regard to his eligibility has not been explained in the RA. No error or mistake apparent on the face of the record has been disclosed in the RA.

5. The facts in brief are that the applicant claiming the benefit of promotion to the LSG cadre under physically handicapped (in short PH) quota moved the Chief Commissioner for persons with Disabilities and vide order dated 23.04.2010(Annexure-A/1 of the OA), the Deputy Chief Commissioner directed to the respondents to consider the case of the applicant for promotion of the applicant w.e.f. 1997 on notional basis under PH Quota. Respondents challenged the decision before the Hon'ble High Court and vide order dated 21.01.2014(Annexure-A/2) of the OA, the Hon'ble High Court directed the respondents to comply the order of the Dy. Chief Commissioner dated 23.04.2010. Accordingly, the case of the applicant was not considered and he was given notional promotion w.e.f. 1997 and benefit of actual promotion w.e.f. 10.06.2015 to the LSG cadre. He did not complete three years of working service in LSG Cadre taking his joining to be 10.06.2015 to enable him to be promoted to HSG-II grade as per the recruitment rules.

6. The issue of eligibility of the applicant for promotion has been considered in paragraph 7 of the impugned order with reference to the 1976 recruitment rules. In the impugned order dated 24.12.2019, it was held that the applicant is entitled for promotion to HSG-II grade w.e.f. 1.4.2017 and not from 1.4.1997 as claimed by the applicant with assumption that the order of Hon'ble High Court should have been implemented within the time stipulated by Hon'ble High Court. Grounds furnished in the RA to justify his promotion to higher grade are not adequate to review the impugned order.

7. In view of the above, no error or mistake apparent on the face of the record has been revealed in the impugned order dated 24.12.2019. The grounds raised in the Review Application have already been considered in the impugned order dated 24.12.2019. Hence, this Review Application is not maintainable under the provisions of law. Accordingly, this Review Application is dismissed.

8. Copy of this order be given to learned counsel for both the parties.

(SWARUP KUMAR MISHRA)  
MEMBER (J)

(GOKUL CHANDRA PATI)  
MEMBER (A)

