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**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH**

RA No.230/2003 in  
~~RA~~ No.1680/2003  
OA No.998/2001

New Delhi this the 11th day of September, 2003.

HON'BLE MR. V.K. MAJOTRA, MEMBER (ADMNV)  
HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Indian Council of Agricultural  
Research (ICAR), through its  
Secretary, ICAR, Krishi Bhawan,  
New Delhi-110 001.

-Applicant

(By Shri E.X. Joseph, Senior Counsel with Sh. T.M.  
Ranganathan, Sh. Satish Kumar, proxy for Sh. V.K. Rao,  
Counsel)

-Versus-

Shri A.K. Chaturvedi,  
S/o late Jagdeo Chaturvedi,  
R/o D-II, IARI, Pusa Campus,  
New Delhi-110 012 & three others

-Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Being aggrieved by the order of reversion to the post of Chief Administrative Officer (CAO) from Deputy Secretary, applicant preferred OA-998/2001, which was allowed, with the following directions on 29.5.2003:

"21. In the above view of the matter OA succeeds and is accordingly allowed. The impugned order dated 18.4.2000 reverting the applicant from the post of Dy. Secretary in ICAR and transferring him as Chief Administrative Officer is quashed and set aside and he is directed to be restored to the same position with consequential financial benefits, with regularisation as Dy. Secretary, from the date on which he has completed five years in the feeder cadre i.e. from 16.3.96. No costs."

2. The present RA has been filed seeking review of the above order. Learned Senior Counsel Sh. E.X. Joseph appearing for the review applicants has sought review of the above order, mainly on the ground that

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factual errors have crept in which requires rectification. According to the learned Senior Counsel whereas respondents had worked less than seven years as Senior Administrative Officer (SAO) which is the eligibility criteria for consideration for promotion to the post of Deputy Secretary as the combined service as CAO or SAO cannot be clubbed together to compute the eligibility period. Accordingly, applicant had worked as SAO from 23.11.1983 till 21.9.1990. As such the period from 21.9.1990 till 16.3.1991 has to be treated in the grade of CAO. Referring to an observation made in paragraph 18 of the order where it is noted on the basis of a representation filed by applicant that applicant had worked as SAO from 29.3.1983 to 15.3.93 it is stated that the same is incorrect in view of the record and as the aforesaid facts had been reflected in the reply filed by the respondents in OA, an error which strikes on the face of it on record can be rectified by way of review.

3. Learned counsel further states that earlier in OA-485/1995 filed by Sh. Pathak, Rule 10 has been interpreted to the extent that the combined service as SAO and CSO would not be clubbed for eligibility of seven years and is to be treated separately. As the Tribunal has took a different view from Pathak's case the doctrine of precedent requires reference to a larger Bench.

4. It is stated that applicant is not eligible as per the recruitment rules to be promoted and as inadvertently OM of DOPT has not been placed before the Tribunal where eligibility is to be considered as on 1.10.1991 applicant being ineligible has no right even for consideration for promotion.

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5. Learned Senior Counsel lastly resorting to the decision of the Apex Court as referred to in the order in **Ram Swaroop v. State of Haryana**, (1997) 1 SCC 168 states that the same is not applicable. Further referring to the decision of the Apex Court in **Union of India v. B. Jayaraman and others**, 1994 (26) ATC 746, it is stated that the same is not with reference to the eligibility criteria which is essential but refers to experience and is distinguishable could not have been applied in the present case.

6. On the other hand, respondents in RA, i.e., applicants' counsel Sh. V.S.R. Krishna contends that as per Rule 22 (3) (f) of the Act and in view of the decision of the Apex Court in **K. Ajit Babu & Ors. v. Union of India & Ors.**, 1998 (1) SLJ 85 (SC) the scope and ambit of review is very limited. If an error is apparent on the face of record can only be entertained, or discovery of new material which even after exercise of due diligence could not be produced. As no such grounds are adduced attempt of the review applicants to re-argue the matter, cannot be countenanced.

7. It is further stated that though in the order in paragraph 18 working period of applicant has been shown to be from 29.3.1983 to 15.3.1993. The same is inadvertently mentioned as the exact period, i.e., when applicant had worked in the cadre of SAO in paragraph-9 has been reflected as 23.9.1983 to 29.9.1990. Accordingly, it is contended that the recruitment rules provide that one

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should have seven years' service in the grade of SAO. Applicant who had worked as SAO from 23.9.1983 till he was promoted as CAO on 16.3.1991 had worked in the grade of SAO. subsequent orders to notionally promote applicant as CAO w.e.f. 21.9.1990 would not wash off his service in the grade of SAO for computing eligibility criteria.

8. We have carefully considered the rival contentions of the parties and perused the material on record. The error apparent on the face of record is an error which strikes one on mere looking at record and would not require any long drawn process of reasoning on points where there may conceivably two opinions. In a review, re-appreciation of the entire evidence cannot be allowed as held by the Apex Court in **Meera Bhanja v. Nirmla Kumari Choudhury**, AIR 1955 SC 455.

9. We find that in so far as Pathak's case is concerned, in paragraph-20 of the order the Tribunal has endorsed the view in the said OM, as referred to in Pathak's case that service in two different feeder cadres cannot be combined for arriving at the eligibility. However, on the basis of the decision in **Ram Swaroop's** case (supra) as applicant had subsequently acquired eligibility, reversion has been set aside.

10. We also find that in the recruitment rules seven years period in one cadre is the eligibility criteria. Applicant who had worked in the grade of SAO from 23.9.1983 actually till 15.3.1991 as on 1.1.1991 had completed seven years' service in the grade of SAO. As such findings of the Tribunal cannot be found fault with.

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11. In the result, RA is found bereft of merit and is accordingly dismissed.

S. Raju

(Shanker Raju)  
Member (J)

'San.'

V.K. Majotra

(V.K. Majotra)  
Member (A)