

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO.42/2003
M.A. NO.310/2003
in
O.A. NO.2360/2001

This the 11th day of February, 2003

HON'BLE SMT LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Ashok Kumar Pathak ... Applicant

-versus-

Union of India & Ors. ... Respondents

O R D E R (By Circulation)

Hon'ble Shri V.K.Majotra, Member (A) :

Through this application, review of order dated 25.9.2002 in OA No.2360/2001 has been sought. Whereas the order in the OA was passed on 25.9.2002, this review application has been filed on 30.1.2003, i.e., not within the prescribed limitation for filing review application. Applicant has sought condonation of delay in filing this application on the ground that the copy of the Tribunal's order had been supplied to his advocate and not to him. This is not a satisfactory explanation for causing inordinate delay in filing the present application.

2. Even on merit, this application does not deserve favourable consideration. Applicant has referred to some judgments of courts in his favour. It is merely an attempt to re-argue the case which is not within the scope and ambit of a review application. Whereas applicant had based his claim for seniority over one Shri Bijender Singh on the ground that Shri Bijender Singh had

h

- 2 -

been declared surplus and re-deployed, this reasoning had not been upheld in order dated 17.9.1999 in OA No.1359/1995 : Shri Bijender Singh v. Union of India & Ors. It was held therein that Shri Bijender Singh had not been declared surplus but only certain posts had been re-adjusted on administrative grounds depending on administrative exigencies. As such, the Court had directed the respondents to fix Shri Bijender Singh's seniority as AC Fitter Grade-III on the basis of his date of promotion as Moulder Grade-III w.e.f. 2.3.1993. The position of applicant as well as Shri Bijender Singh in the seniority list was held to be absolutely in terms of those CAT orders. Applicant has not brought out any error apparent on the face of record.

3. In the result, this review application must fail and is dismissed accordingly, in circulation.

V. K. Majotra
(V. K. Majotra)

Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Vice-Chairman (J)

/as/