

①

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

No.R.A.144 of 2002
(O.A.3023/2001)

New Delhi, This 20th day of August, 2002

Hon'ble Shri Shanker Raju, Member (J).

Hon'ble Shri S.K.Agrawal, Member (A).

SHRI JUGINDER SINGH S/o Late Shri Inder Singh,
R/o A-92, Shalimar Garden (Main),
Ghaziabad (U.P.).

... Applicant

Versus

1. Union of India through
Secretary, Ministry of Personnel, Public
Grievances & Training,
North Block,
New Delhi.
2. Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan,
New Delhi.
3. Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi.
4. Smt.Surinder Rani,
Grade-IV C.S.S.,
C/o Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan,
New Delhi.

... Respondents

Counsel present at the time of hearing of the O.A.

For the applicant : Mr.S.K.Gupta for Mr.B.S.Gupta.

For the respondents: Mr.B.K.Berea.

[Handwritten signature]

2

Hon'ble Shri S.K.Agrawal, Member (A).

Order by Circulation -
O R D E R

This review application has been filed by the applicant under Rule 17 of C.A.T. (Procedure) Rules, 1987, read with order 47 Rule 1 & 2 of CPC for reviewing the order dated 29.4.02 passed in O.A. No.3023 of 2001 by a Division Bench of this Tribunal consisting of Hon'ble Shri Shanker Raju, Member (J) and myself.

2. Mainly, 2 points have been raised by the applicant in this review application. The first point is that respondent no.4 who was appointed to the post of Record Officer, on deputation basis, was not fulfilling the requisite qualifications in terms of the recruitment rules as she was not having 8 years of regular service in the grade and was also not having the necessary training course in Record Management as organised by I.S.T.M., whereas the applicant who was also considered for the post fulfilled all the requisite qualifications.

3. This point was very much considered while deciding O.A.3023 of 2001 and it was stated in the said judgment dated 29.4.2002 that respondent no.4 belongs to the select list year of Assistant of 1991 and has put in continuous service as Assistant from 20th May, 1992. Respondent no.4 has been in the Ministry of Petroleum and Natural Gas as Assistant w.e.f. 1.5.1995, as shown in the seniority list. It was also mentioned in the order that as per Rule 2(c) of CSS Rule, 1962, regular service is to be counted from 1st July, of the select list year. Accordingly, regular service of respondent no.4 in the grade of Assistant would count from 1.7.1991. As such, it was decided in the O.A. that respondent no.4 did have the requisite qualification of 8 years of regular service as Assistant.

4. The second point raised in the review application is that respondent no.4 did not have the qualification of training

Contd ... 3

in Record Management as organised by I.S.T.M. This was negivated by the fact that the same procedure was adopted by the respondent-authorities in the previous selection also and, therefore, the appointment of respondent no.4 was in order. According to the applicant, that cannot be a ground to justify the selection as if on a previous occasion the respondent-authorities have committed the illegality, then the above illegality cannot be allowed and the appointment cannot be termed to be in order.

5. This point was also duly considered while deciding the O.A. by stating that the DPC had recommended that respondent no.4 may undergo the training within six months. A submission was made by the respondents counsel that respondent no.4 was given relaxation only in terms of time to undergo the requisite training at an early date or within six months when the officer so selected would become eligible for the training at ISTM. It was also stated that in the past also the Record Officer so selected were asked to undergo the requisite training after the selection. In fact, as per the eligibility criteria of ISTM for training in the Record Management, one must be Section Officer/Record Room Incharge and the candidate becomes eligible for training after the selection only. Respondent no.4 was sponsored for the training in Record Management on 13.11.2001 for the course scheduled to be held on 21.11.2001. But ISTM re-scheduled the course to be held from January 2-4, 2002, for which her nomination was admitted by ISTM. We, therefore, do not find any irregularity in this regard on the part of the respondents.

6. Lastly, in respect of the pendency of the charge sheet, dated 24.1.2001 issued to the applicant, it has been stated in the review application that it is a fact that neither the said charge sheet was before the selection committee nor was it mentioned in the Table/prescribed proforma, available in the counter reply and hence the respondents tried to mislead the Tribunal and reply to the charge sheet was submitted on 15.2.2001 by the applicant but the respondents have not taken any action on the same.


(M)


7. We have gone through the material papers and the counter reply filed by the respondents in the O.A. We find that it has been clearly mentioned by the respondents in the counter reply that the applicant was issued charge sheet vide memorandum dated 24.1.2001 under CCS (CCA) Rules, 1965, for violating Rule 3(1) and 18(2) of CCS (Conduct) Rules and the terms of bond of HBA furnished by him. It is also mentioned in the counter reply that the applicant was sanctioned and subsequently disbursed house building advance of Rs.2.18 lakh for purchase of a flat under Central Government Employees Welfare Housing Scheme vide sanction order dated 11.11.1998. Since the applicant disposed of the said property without seeking permission from the Ministry and also did not refund the interest accrued on HBA in lumpsum but had refunded the same in monthly instalments, he had violated the terms and conditions of grant of HBA as well as the provisions of CCS (Conduct) Rules, 1965.

8. It is seen that the applicant has tried to re-argue the very same points which were considered and disposed of in the O.A. There is neither any error apparent on the face of the record nor any discovery of new and important material which was not available to the applicant at the time of filing of the O.A.

9. Besides, we have perused our order dated 29th April, 2002, passed in O.A. No.3023 of 2001. We have also perused the grounds taken in the R.A. None of the grounds taken brings it within the purview of Rule 1 Order 47 of CPC read with Section 22(3)(f) of the A.T.Act.

10. In view of the above, the review application is rejected by circulation.


(S.K.Agrawal)
Member (A)


(Shanker Raju)
Member (J)