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Central Administrative Tribunal, Principal Bench

Review Application No.150 of 2001
M.A.769//2001
(in O.A.No.2122/1999)

New Delhi, this the 1st day of May, 2001

Union of India and others

- Petitioners

Versus

Ms.Laxmi Gupta

- Respondent

O R D E R (in circulation)

By V.K.Majotra, Member(Admnv) -

Official-respondents in O.A.2122/1999 have filed this review application against order dated 1.2.2001 in the said O.A.

2. The review-applicants have sought condonation of delay in making this review application. Since the delay caused is not very long, the same is condoned.

3. The next point raised by the review-applicants is regarding the territorial jurisdiction of this Bench stating that the applicant had not filed any application under Section 25 of the Administrative Tribunals Act,1985. It may be stated that this point was not stressed on behalf of the review-applicants by their counsel at the time of final arguments in the O.A. It may be further stated that under old Rule 6 of Central Administrative Tribunal (Procedure) Rules the application could be filed only before that Bench within whose jurisdiction the applicant was posted for the time being. Now on the lines of provisions of Section 20 of Civil Procedure Code, it has been provided that at the option of the applicant the application could be filed alternatively before the Bench within whose jurisdiction the cause of action has arisen or the respondent or any of the respondents against whom relief is sought ordinarily resides. The rule exhaustively regulates the place of filing applications in all situations and is a complete code in itself. The G.M.,Northern Railway,

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Baroda House, New Delhi was one of the main contesting respondents in the O.A. and since he ordinarily resides in Delhi, the case definitely falls within the territorial jurisdiction of this Bench. We are supported in this behalf by the decision in the case of Phillips Marandi Vs. Union of India, (1987) 2 ATC 857. As such aforesaid objection of the review-applicants at the review stage is not tenable and is rejected.

4. The review applicants have next taken the plea that the applicant was never promoted as Senior Clerk as she had failed in the suitability test held in 1981 and in following years she never appeared in the same. This plea of the respondents had been considered and it was decided on the basis of the documents filed by the applicant indicating that she had been working as Senior Clerk for a long time. We had also called upon the respondents at the time of final arguments in the OA, to put up the relevant rules for promotion to the level of Senior Clerk, Head Clerk, Assistant Superintendent, and Office Superintendent, however, they had not been able to indicate any specific rules in that behalf. The order in question was passed on hearing both sides in detail and considering all the points raised by them.

5. Through this review application, the review-applicants are attempting at re-arguing the entire case afresh which is not within the scope and ambit of a review application. The review application is, therefore, rejected at the circulation stage itself.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (Admnv)