

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

R.A. NO. 167/2001

in

O.A. 2250/1999

New Delhi this day 07.6.2001

Hon'ble Shri Justice V. Rajagopal Reddy, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Union of India & Others: Petitioners.
(By Shri R.L. Dhawan, Advocate)

Versus

Shri Sarabjeet Singh: Respondent.
(By Mrs. Meenu Maini, Advocate)

O R D E R (By Circulation)

R.A. No. 167/2001 seeks the recall and review of our order dated 19.12.2000, allowing the O.A. No. 2250/1999. review applicants are the respondents in the O.A.

2. We have examined the content s of the R.A. It is seen that we had allowed the O.A.;, directing that the applicant be considered for promotion as Power Fitter Grade II, against a vacancy reserved for a SC candidate. Respondents had contended that the SC vacancy was already consumed by the promotion of another SC category candidate, senior to the applicant but the records produced by them showed that the said candidate, though promoted held the Office for just two moths before he was removed for unauthorised absence and that he was also not paid the salary at the higher rate. We held that in the circumstances the post could not have been deemed to have been filled and directed that the applicant be considered for promotion against the said post. The order, we add, was pronounced in the Court in the presence of the Counsel from both the side.

3. Review applicants (earlier Respondents) now say that there was an error on the face of the record, as they have come to know that in January 2000 the Senior SC candidate was given higher pay for March and April 98, which was not known and brought to the notice of the Tribunal when the case was disposed. Obviously the change, if any, had taken place much after the institution of the O.A., and it should not have been done as it was to adversely affect the applicants cause. Even otherwise the fact remained that the relevant post was not filled even for three months, as observed by us, therefore the decision taken by us was correct and legal. No error of fact or law warranting recall and review has been proved.

4. Review application therefore fails and is accordingly rejected.

(Govindan S. Tampi)
Member (A)

(V. Rajagopala Reddy)
Vice Chairman (J)

Patwal