

(D)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 152/98
in
O.A. No. 1120/98

New Delhi this the 14th Day of August 1998.

Hon'ble Shri Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Ahooja, Member (A)

Shri N.H. Daye,
Asstt. Director (P),
Department of Education,
Ministry of Human Resources Development,
Government of India,
Shastri Bhawan,
New Delhi.

Petitioner

(By Advocate: Shri D.S. Garg)

-Versus-

1. The Secretary to Govt. of India,
Department of Education,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi.

2. The Chairman,
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi.

Respondents

(By Advocate : None)

ORDER (By Circulation)

Hon'ble Shri R.K. Ahooja, Member (A)

The petitioner had filed an O.A. No. 1120/98 aggrieved by his supersession by his junior Shri P.N. Gupta for promotion to the post of Assistant Director (Planning). The O.A. was dismissed at the admission stage itself. The petitioner has now sought a review of this order on the ground that he has discovered a new fact which establishes that the respondents had acted malafide and had accorded undue favour to Shri P.N. Gupta. In evidence a copy has been annexed

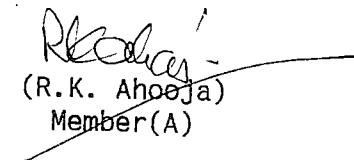
(2)

of the note submitted to the Deputy Secretary (Planning) dated 30.12.1996 suggesting that Shri P.N. Gupta should be asked to look after the work of SC/ST Cell. We are unable to conclude from this, as the petitioner would have us believe, that the respondents had already made up their mind to promote Shri P.N. Gupta in preference to the petitioner. As mentioned in the impugned order, the case of the applicant and that of Shri P.N. Gupta was considered by a duly constituted Departmental Promotion Committee chaired by a Member of the UPSC. Therefore, any internal administrative arrangement in respect of Shri P.N. Gupta cannot be treated as evidence of the pre-determined attitude of the Departmental Promotion Committee. The other arguments advanced by the petitioner are mere reflection of the grounds adduced by him in the O.A and require no further consideration.

2. For the reasons aforementioned, the Review Application is hereby summarily dismissed.



(K.M. Agarwal)
Chairman



(R.K. Ahuja)
Member(A)

Mittal