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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(5)

R.A. NO. 161/94
in
O.A. No. 299/94

New Delhi this the 13th Day of May 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

Shri D.P. Jain,
Son of Late Shri Kirant Chand Jain,
C-211/4 Sidarth Extension,
D.D.A. Flats,
New Delhi .. Applicant

Vs.

Union of India,
through the Superintending Engineer,
Delhi Central Circle I
Central Public Works Department,
I.P. Bhawan, I.P. Estate,
New Delhi. .. Respondents

O R D E R

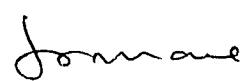
Hon'ble Mr. J.P. Sharma, Member (J)

Original Application No. 299/94 was filed by the applicant for a direction to the respondents to give promotion to the post of Caretaker with effect from 16.11.1988 and still further promotion to the post of Sr. Sanitary Inspector with effect from 28.6.1989. Both the reliefs claimed by the applicant were considered in the aforesaid judgement but the applicant could not be granted the reliefs prayed for and the application was dismissed. The Review Applicant has also filed as Annexure RA-II, a copy of the order dated 29.4.1993 addressed to the Superintending Engineer by the Executive Engineer, CPWD. In this letter the Executive Engineer has recommended the case of the applicant that due to voluntary retirement in the year 1989 by Shri Kuldeep Singh, Sr. Sanitary Inspector, and in that vacancy the applicant was holding the charge and his case in the relevant scale in that post may be considered favourably.

(b)

We have gone through the grounds taken in the Review Application. In fact these grounds are nothing but repetition of the arguments which were advanced by the learned counsel for the applicant at the time of hearing. In para 4 of the judgement MA was considered and it was also dismissed. The applicant has raised a stale claim and even the matter has been considered whether the applicant can be given promotion to the post of Care-taker or Sr. Sanitary Inspector and the rules on the subject are not in his favour. A review application lies on any of the point mentioned in Order 47 Rule 1 CPC. The documents annexed RA-II filed by the applicant does not by itself go to show that the applicant should be given the benefit of promotion as he has never been promoted by the competent authority. He has all-around been working as Sanitary Inspector. The Hon'ble Supreme Court has also in the case of Chandra Kanta & Anr. Vs. Sheikh Habib reported in AIR 1975 SC P 1500 and in the case of Aribam Tuleshwar Sharma Vs. Aribam Pishak Sharma & Ors. reported in AIR 1979 SC 1407 held that review can be resorted on certain grounds and the present case is not covered by the same. The Review Application is therefore dismissed.


(B.R. Singh)
Member (A)


(J.P. Sharma)
Member (J)

Mittal