

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Review Application No. 273/1995
in
Original Application NO. 629/1994

New Delhi this the 23rd Day of ~~May~~ May 1996.

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

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

Shri Surjit Singh,
Under Secretary,
Inter State Council Secretariat,
Ministry of Home Affairs,
Vigyan Bhawan Annexe,
New Delhi-110 001.

Applicant

(By Advocate: Shri Ramji Srikrishnan)

Versus

1. Union of India,
Represented by Secretary,
Department of Personnel & Training,
North Block,
New Delhi.
2. Union Public Service Commission,
through its Secretary,
Dholpur House, Shahjahan Road, New Delhi.
3. Amrit Lal, Under Secretary,
Ministry of Defence,
South Block, New Delhi.
4. A.P. Pandit, Under Secretary,
Ministry of Defence,
South Block, New Delhi.
5. B.P. Singh, Under Secretary,
Ministry of Defence,
C-II Hutmants, New Delhi.
6. Rajender Mohan, A.F.O., Ministry of Defence,
South Block, New Delhi.
7. Labh Singh Chane,
Deputy Land and Development Officer,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
8. Suresh Pal,
Under Secretary,
Planning Commission, Yojana Bhavan,
New Delhi.

9. Shri S.K. Verma,
Under Secretary,
Ministry of Welfare,
Shastri Bhavan,
New Delhi.
10. Shri M.C. Mathur,
Under Secretary,
Ministry of Steel,
Udyog Bhawan,
New Delhi.
11. Shri B.S. Negi,
Under Secretary,
Ministry of Industry,
Udyog Bhawan,
New Delhi.
12. Dr. Tarsem Chand,
Research Officer,
Planning Commission,
Yojana Bhawan
New Delhi.
13. Shri S.L. Meena,
Under Secretary (Vigilance),
Department of Post,
Dak Bhawan,
New Delhi.
14. Shri Ramu Gupta,
Section Officer,
Ministry of Mines,
Shastri Bhavan,
New Delhi.

Respondents

(By Advocate: Shri M. Chandrasekhran, ASG with
Shri Madhav Panikar for Respondents 1 & 2)

Shri D.C. Vohra, for 3 to 6)

Shri N.S. Verma, for 7 & 8.

Shri G.S. Lobana for Respondent 9)

O R D E R

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

The petitioner is one of the applicants in OA 629/1994 which was disposed of alongwith the connected OAs by a common judgement dated 22.3.1995.

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This O.A. was filed challenging certain modifications effected by the Government while finalising the combined seniority list in the grade of Section Officers in compliance with the Orders of the Hon'ble Supreme Court dated 13.7.1990 and 18.8.1992. In the Order in the OA which is sought to be reviewed, the Tribunal held that the promotees appointed against the unfilled vacancies of the direct recruits in pre-1984 period would be placed in a bunch below the last person appointed on the basis of rotation of vacancies. This finding according to the petitioner is in conflict with the Regulation 3(3) and is not in conformity with the principle enunciated by the Hon'ble Supreme Court in direct recruit Class II Engineer Officers Association and Others Vs. State of Maharashtra and Others AIR 1990 SC 1607. Therefore the review applicant prays that the Order may be reviewed, finding that in pre-1984 period Rules provided for carry forward of the unfilled vacancies of direct recruits quota, that the vacancies could not be converted to promotion quota, and the vacancies earmarked for a category were required to be filled by persons belonging to that category alone. As this RA has been filed beyond the period of limitation prescribed for filing a review application, MA No. 2582/95 has been filed seeking condonation of delay.

2. The respondent opposed the RA. They have filed replies. Apart from contending that there is no ground for contention of delay the respondent contend that as there is no error apparent on the face of the record or any other circumstance warranting a review of the



review application is liable to be dismissed. We have heard the learned counsel for the petitioner and the respondents and have also perused the materials on record. The review application was filed far beyond the period of limitation. No satisfactory explanation for the delay is forthcoming in the M.A. for condonation of delay. What is stated is that the petitioner after collecting the relevant documents was consulting senior counsel who were away during the summer vacation and that it took sometime for him to decide to file this review application. This is not at all sufficient ground ^{for considering} delay. Further going through the allegations in the RA, we do not find any error apparent on the fact of the record or any other circumstances which would justify a review of the order. The Tribunal has interpreted the rules and also considered the ruling of the Hon'ble Supreme Court relied on by the review applicants. On an interpretation of the rules and ruling cited, the Tribunal has taken a decision. If the petitioner is aggrieved by the finding and has any reservation in regard to the reasoning of the finding, the remedy open for him is to challenge the Order before the Hon'ble Supreme Court seeking special leave. A review can be had only on specific ground. On a careful scrutiny of the RA, we do not find that there is any error apparent on the face of the record nor is there a case for the petitioner that any new material which if produced at the time of hearing would have altered the decision which was not

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available to him at that time and xx-xxxxxxxxxxxxxx when the application was heard even in spite of due diligence, is now available. There is no case that any material contention or any ruling of the Hon'ble Supreme Court have been over-looked. The grievance is that the finding of the Tribunal is not the correct one if viewed in the light of the relevant rules and the rulings of the Hon'ble Supreme Court. The Court or the Tribunal having jurisdiction to decide the matter may decide it rightly or even wrongly and if the decision is wrong, the remedy lies in filing an appeal. Under these circumstances, we do not find any merit in this Review Application and dismiss the same leaving the parties to bear their own costs.

R.K. Ahuja
(R.K. Ahuja)
Member (A)

Mittal

(A.V. Haridasan)
Vice Chairman (J) 23/5/66

Mittal