

Central Administrative Tribunal  
Principal Bench

...

R.A. No. 291/95

in

O.A. No. 2072/94

15

New Delhi, this the 14<sup>th</sup> day of Nov., 1995

Hon'ble Shri B.K. Singh, Member(A)

Shri G.K. Gaur  
son of Late A.B.L. Gaur  
working as Dy. Stores & Purchase Officer  
in the Central Building Research Institute,  
Roorkee(UP)- 247 - 667 ..Applicant

(By Shri K.N. Bahuguna, Advocate)

Versus

1. Council of Scientific & Industrial  
Research  
'ANUSANDHAN BHAWAN'  
Rafi Marg,  
New Delhi- 110 001.
2. Director,  
Central Building Research Institute  
Roorkee(UP)- 247 667. ..Respondents

O R D E R (BY CIRCULATION)

delivered by Hon'ble Shri B.K. Singh, Member(A):

Central Administrative Tribunal is not vested with any inherent power of review but exercises the power, under Order 47 Rule 1 of the C.P.C. read with Section 114 of the same Code. The power of review can be exercised on the discovery of new and important matter or evidence which, inspite of due diligence was not within the knowledge of the person seeking the review at the time when the order was made or it can be exercised in case of an error apparent on the face of the record or any other analogous reason.

I have gone through the review application. The O.A.

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16

was dismissed on merits as well as on grounds of delay and laches. As a matter of fact when the application was being dismissed on ground of delay and laches, there was no necessity of going into the merits of the case. The same was dismissed after proper adjudication on merits. The main question was whether the ad-hoc service rendered by the applicant w.e.f. 1.2.1986 to 31.3.1990 could be counted. The letter dated 11.12.1990 was issued when he was regularly promoted as Deputy Stores and Purchase Officer alongwith six others and these orders were given effect from 1.4.1990. If the applicant had any grievance, he should have raised a howl or protest. Since the same was not challenged and no grievance was made out of it, estoppel operates against him as held by the Hon'ble Supreme Court in case of Om Prakash Shukla V/s. Akhilesh Kumar Shukla (AIR 1986 P.1043). The promotion itself was dehors the rules against the quota reserved for departmental competitive examination. Rule 4(ii) was amended and the promotion came only after the <sup>said</sup> amendment high-jacking the 1/3rd quota reserved for being filled up by Departmental Competitive Examination <sup>as one time exception.</sup> As held by the Hon'ble Supreme Court in K.C. Joshi's case that such fortituitous ad-hoc promotion cannot confer the benefit of regular service. Since this was dehors the rules <sup>and</sup> the promotion was regularised only when the rules were amended, no case is made out for review of the judgement and order dated 21.9.1995. The review application is, therefore, summarily rejected under order 47 Rule(1) of C.P.C.



(B.K. Singh)  
Member(A)