

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 305/1995

in

O.A. NO. 2547/1994

New Delhi this the 30th day of December, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

R. K. Bansal S/O Misri Lal,
R/O House No.15, Vivekanandapuri,
Delhi.

... Applicant

(By Shri K. C. Mittal, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Food Processing Industries,
Panchsheel Bhawan,
New Delhi.
2. Mrs. Promila Issar,
Joint Secretary (Admn.),
Ministry of Food Processing
Industries, Panchsheel Bhawan,
New Delhi.
3. Shri G. K. Basu,
Joint Secretary,
Ministry of Food Processing
Industries, Panchsheel Bhawan,
New Delhi.
4. Shri A. K. Paliwal,
Deputy Director (F&VP),
Ministry of Food Processing
Industries, Panchsheel Bhawan,
New Delhi.

... Respondents

O R D E R (By circulation)

Shri N. V. Krishnan, Acting Chairman -

O.A. No.2547/1994 filed by the applicant was
disposed of by the order dated 25.10.1995 with the
following directions :-

"62. In the circumstances, the impugned Annexure-A order which impliedly terminates the current charge of the applicant given to him by the Annexure A-1 notification, by directing him to hand over charge to Respondent No.4, being premature, is bad in law and is quashed. We make it clear that it is open to the Ministry to terminate the current charge given to the applicant by the Annexure A-1 notification dated 25.1.1991 with prospective effect after recording that Government has decided not to amend the rules to make him eligible for consideration for promotion. The interim order is vacated. No costs....."

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2. This review application seeks review of that order. We have perused the review application and are satisfied that it can be disposed of by circulation and we proceed to do so.

3. The applicant states that there are errors of law and facts apparent on the face of record.

4. ^{u The} ~~Now~~ O.A. was filed to challenge the order dated 14.12.1994 purporting to relieve the applicant of the current charge given to him on 25.1.1991. The applicant had also sought a direction to the respondents to amend the recruitment rules and consider the applicant for regular appointment on the basis of such amendment and quash the impugned order by which the 4th respondent was given ad-hoc charge.

5. We held that the notification dated 25.1.1991 giving current charge to the applicant, though stated to be until further orders, was to last pending the amendment of the recruitment rules, as stated by the Ministry in their reply to another connected O.A. No. 772/1991. We also found that one of the amendments to be considered was to downgrade the post of Joint Director (Consultancy) held by the applicant to that of Deputy Director. In regard to this amendment it was found that final decision had not been taken before the impugned order was passed. Hence, we held that the impugned order directing the applicant to hand over charge to 4th respondent was premature. However, we were informed that, on this amendment a decision had been taken subsequently to drop this amendment. Hence, we gave the aforesaid direction.

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6. We find that in the review application, the applicant is seeking reconsideration of this decision by re-arguing his case. No specific error apparent on the face of the record has been pointed out in this lengthy application. The error, if any, should be one which strikes the eye (JT 1994 (7) SC 536 : Smt. Meera Bhanja vs. Smt. Nirmal Kumari Choudhury). No such error has been pointed out.

7. The only alleged error which has been referred to is in para 8 of the application. This is due to the fact that the applicant has obviously not understood the import of our observations in para 35 of our order. We held conclusively that there was no assurance before the Supreme Court by the Ministry that the rules would be amended to enable the applicant to be eligible for promotion. This has been referred in para 60 (c) also. His contention, therefore, that the matter decided by us should have been left for decision by the Supreme Court is without any basis.

8. In our view, the grounds urged could be relevant in an appeal against our order. There is no ground for review of the order.

9. The review application is dismissed.

A. Vedavalli
30/12/95

(Dr. A. Vedavalli)
Member (J)

N. V. Krishnan
30/12/95

(N. V. Krishnan)
Acting Chairman

/as/