

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

RA 370/94
in
OA 1437/94

New Delhi this the 7th day of December, 1994.

Shri N.V. Krishnan, Vice Chairman(A).

Shri C.J. Roy, Member(J).

R.L. Madaan,
S/o Shri G.D. Madaan
Private Secretary,
Office of the Comptroller & Auditor
General of India,
10, Bahadur Shah Zafar Marg,
New Delhi.

...Applicant.

Versus

1. Union of India through
Comptroller & Auditor General
of India.
2. Dy. Director (P),
Office of Comptroller and Auditor
General of India, ...Respondents.

(Both at 10, Bahadur Shah Zafar Marg,
New Delhi).

ORDER (By Circulation)

Shri N.V. Krishnan.

1. O.A.1437/94 along with M.A.2214/94 was disposed of by an oral order on 25.8.1994 in the presence of the counsel of parties. The applicant seeks a review of that order.

2. We have seen the Review Application and are satisfied that the same can be disposed of by circulation and we proceed to do so.

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3. The O.A. was filed when the applicant was threatend to be reverted from the post of PS to Sr. P.A. M.A. 2215/94 was also filed for interim relief and the parties had agreed that the O.A. could also be disposed of while hearing the M.A. for interim relief.

4. It was found, on the basis of the submissions of the learned counsel for the applicant that one more vacancy of PS had arisen on 8.8.1994 which, in the normal course, would be filled up by promotion, according to the recruitment rules. Therefore, it was found that the need for reversion has now been obviated. Hence, the OA was disposed of with the direction that the applicant should be continued on ad hoc basis in the said vacant post of PS until it was filled up on a regular basis. We have also made it clear that, in the circumstances we did not go into question about the validity of the provision in the recruitment rules stipulating a speed in stenography for Sr.P.As to be promoted as Private Secretary.

5. The applicant now states that there are errors apparent on the face of the record because it has been assumed that the applicant was holding the post of P.S. on ad hoc or temporary basis.

6. This is not an error apparent on record. This was a deliberate decision because the only relief prayed for was that the applicant should not be reverted and that prayer was granted in the presence of counsel stipulating that until a regularly selected person is available, the applicant should not be reverted.

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7. In the circumstance, we do not find any error apparent on the face of the record. R.A. is dismissed.

Contd.
(C.J. Roy)
Member(J)

2/12/84
(N.V. Krishnan)
Vice Chairman(A)

'SRD'