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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

R.A. 3/95
in
O.A. 372/94

New Delhi this the 5th day of January, 95.

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

Smt. Lakshmi Swaminathan, Member(J).

1. Union of India through
The Secretary,
Ministry of Information and
Broadcasting,
Shastri Bhavan,
New Delhi.
2. The Director General,
Directorate of Doordarshan,
Doordarshan Bhawan,
Mandi House, Copernicus Marg,
New Delhi. ... Review Applicants.

By Advocate Shri M.K. Gupta.

Versus

Smt. Vimal Issar
R/o A-405, Curzon Road
Apartments,
K.G. Marg,
New Delhi.

... Respondent.

ORDER (By Circulation)

Shri N.V. Krishnan

O.A. 372/94 was disposed of by our order dated 14.9.1994 directing the respondents to grant notional promotion to the original applicant in the senior time scale w.e.f. 1.12.1992 and have her pay refixed in that scale only for the purpose of granting retiral benefits to her on retirement w.e.f. 31.12.1992.

2. The original respondents have filed this application seeking a review of that order. M.A. 5/95 seeking condonation of the delay in filing the R.A. has also been filed.
3. We have perused the review application and we are satisfied that it can be disposed of by circulation and we proceed to do so.

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4. In the view that we are taking the M.A. for condonation of delay is allowed.

5. After reproducing in para 2 of our order, ~~the~~ paragraphs 3 and 4 of the reply of the respondents, we have held in para 3 of our order that it was thus clear that while the applicant was still in service, the DPC recommended her name for promotion. It is stated in the review application that this assumption has no basis. The DPC was held on 30.12.1992 and the applicant superannuated on 31.12.1992. The minutes of the DPC were finalised on 18.1.1993 and were approved by the competent authority on 27.1.1993 and the order of promotion was issued on 31.3.1993. Hence, the applicant did not have right of promotion and the conclusion that the DPC recommended her name for promotion while in service is an error apparent on record. Reliance is also placed on the judgement of the Supreme Court in Union of India Vs. K.K. Badera & Ors., 1989 Suppl.(2) SCC 625 and it is stated that our order is against this judgement.

6. We have carefully considered these submissions. It is true that on the face of our order there is nothing to substantiate/^{the conclusion} that the DPC recommended the name of the applicant for promotion while she was still in service. This is due to the fact that there is a clerical mistake in the reproduction, in para 2 of our order, of para 4 of the reply of the respondents i.e. one sentence has been omitted which occurs in para 4 of the reply between the words "Cadre of IB(P)S" and "In the meantime". That sentence is "Her name was recommended by the DPC for promotion to STS grade".

7. In the circumstance, there is no error in our finding in para 3 of our order that the DPC recommended her name for promotion while she was still in service. It is on this consideration that the order was passed. The reliance on the judgement of the Supreme Court is of no avail for that is a

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question of argument not germane to a review application. In the circumstance, the review application is dismissed with a further direction that the sentence "Her name was recommended by the DPC for promotion to STS grade" should be inserted by the registry in the extract of para 4 of the reply of the respondents reproduced in para 2 of our order and a copy of this order shall also be served on the original applicant.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER(J)

N.V. Krishnan
(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'