

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 109/94

in

O.A. No. 158/94

8

^{7th}
New Delhi this 8th Day of April 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

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

Shri R.M. Chellani,
Assistant Labour Commissioner,
Office of the Regional Labour Commissioner
(Central),
Ministry of Labour, Block B, 2-E-3,
Curzon Road Barracks,
Kasturba Gandhi Marg,
New Delhi-110 001.

... Applicant

(By Advocate : Shri C.L. Kumar)

Versus

Union of India through
Secretary,
Ministry of Labour,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-110 001.

... Respondents

O R D E R (By Circulation)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant has sought review of the order dated 8.2.1994 by which the application was dismissed and there was no prima facie case for adjudication. In the Review Application, the applicant has placed certain further arguments in Para 2 in sub clause (a) to (e) in sub para (a) the applicant has taken the stand and challenged to the seniority list of 1987 not barred by time. In fact in the original application the applicant has not even sought any relief. with respect to the placement in seniority list of 1987. The contention of the applicant is that the seniority list was provisional does not merit any consideration because the said seniority list has been

9

in operation. Another seniority list was due in 1992. Unless the challenge is met to the seniority list of 1987, the applicant cannot get any better placement in the seniority list. Regarding sub-para (c) and (d) of Para 2 of the Review Application, the applicant has given certain ^{calculations} ~~conclusions~~ of vacancies of the year 1981 and have alleged that the vacancy ^{to be filled} ~~left~~ with the promotes quota as per rule. This fact has already been considered in para 3 of the judgement under review.

2. In sub para (e) of Para 2 of the Review Application the applicant has averred that it shall be presumed that there was some DPC which was constituted for recommendation and it was for the Tribunal to find out the real facts. In fact the applicant has to make certain averments with regard to the fact in the Original application. When the pleadings are itself silent the Tribunal cannot make any roving enquiry to elicit more facts. In the above facts and circumstances of the case, we find that none of the ground made out any case for reviewing the judgement. The Review Application, therefore, is devoid of merit and is therefore dismissed by circulation.

(B.K. Singh)
Member(A)

(J.P. Sharma)
Member (J)

Mittal