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Central Administrative Tribunal, Principal Bench

Review Application No.108 of 2000
(in OA.No.1780 of 1996)

New Delhi, this the 8th day of May, 2000

1. Union of India through The Secretary, Deptt. of Defence Research & Development, Scientific Advisor to Ministry of Defence, South Block, New Delhi.
2. The Director of Personnel, DRDO, Ministry of Defence, Sena Bhawan, 'B' Wing, New Delhi.
3. The Director, Defence Science Center, Metcalfe House, Delhi.
4. Shri Om Prakash, C/o Director, Defence Science Center, Metcalfe House, Delhi-54- Review-applicants Versus

1. Shri Prem Prakash, R/o WX-230/1/B, Ram Nagar Extn. Tilak Nagar, New Delhi-110018. - Respondent (Original Applicant)

O R D E R (in circulation)

By V.K.Majotra, Member(Admnv) -

The review-applicants have moved this review application under Section 22(3)(f) of the Administrative Tribunals Act, 1985 for reviewing the order dated 29.2.2000 in OA 1780/96 (Shri Prem Prakash Vs. Union of India and others) and for a declaration that the respondent herein is not entitled to any relief and accordingly, the OA be dismissed.

2. The operative portion of the aforesaid order reads as under:-

"4....the respondents are directed to convene the review meetings of the DPCs to consider the case of the applicant for promotion to grades of Tradesman 'B' and Tradesman 'A' w.e.f. 25.3.1992 and 1.12.1994 respectively, i.e. the dates when his junior, Respondent No.4 was promoted. The applicant should also be given consequential benefits accruing from the aforesaid promotions in the matter of seniority, monetary benefits, etc. that may be permitted under the Rules. The respondents should comply with these directions within a period of three months from the date of receipt of a copy of this order. No costs."

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3. The review-applicants have averred as follows:-

(a) the respondent and review-applicant no.4 were considered in DPC meeting dated 17.6.1991 for promotion to Tradesman 'B' amongst others but were not cleared due to non-availability of requisite vacancies;

(b) the respondent had not appeared for trade test held on 22.11.1991 and thus was not qualified for consideration for promotion to Tradesman 'B' by the DPC in its meeting dated 1.12.1993 ¹¹; and

(c) the respondent qualified the trade test held on 22.11.1993 but was not considered for promotion by the DPC in the line of judgment delivered by CAT Bangalore Bench on 18.6.1993 in OA 111/91. He was promoted to the grade of Technician 'B' with effect from 1st September, 1995.

4. A review application is maintainable only if it comes within the four corners of Order 47 Rule 1 and Section 114 of the Code of Civil Procedure. These provisions give power to the concerned court to review its decisions on the application of a person who (i) from the discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or (ii) on account of some mistake or error apparent on the face of the record, or (iii) for any other sufficient reason,

desires to obtain a review of the order made against him.

5. We find that the review-applicants had not filed Annexures-R-2 to R-5 (filed along with the RA) with the OA whereas the points made by the review-applicants, on the basis of these documents which had not been filed by them with the OA do not in any case make any material difference to the findings and conclusions reached by the Tribunal in the case.

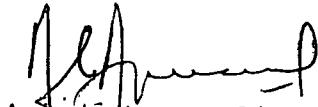
6. The only point which has been substantiated by the review-applicants is that whereas the applicant had been promoted in the grade of Technician 'B' with effect from 1.9.1995 it was mentioned in the order dated 29.2.2000 that he had been promoted as "Tradesman 'B' with effect from 25.3.1995". In this view of the matter it is directed that the following words "Tradesman 'B' w.e.f. 25.3.1995" occurring in the last third lines of paragraph 2 of the order dated 29.2.2000 in OA 1780/96 ^{fourth} may be read as "Technician 'B' w.e.f. 1.9.1995" (emphasis supplied) In our view it was only a typographical error which does not affect at all the conclusion arrived at by the Tribunal.

7. From the facts of the case we hold that no good grounds have been put forward by the review-applicants warranting dismissal of the OA and denying relief to the applicant. In this view of the matter, the RA is disallowed with the direction

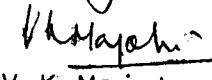
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contained in para 6 above, at the circulation stage itself.


(Ashok Agarwal)

Chairman


(V.K. Majotra)
Member (Admnv)

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