

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.197/98 in OA 2644/96

New Delhi, this 17th day of December, 1999

Hon'ble Shri S.P. Biswas, Member(A)
Hon'ble Shri Kuldip Singh, Member(J)

M.P. Singh
s/o Shri Tika Ram
A-37, Ordnance Apartment
E Block, Vikaspuri, New Delhi .. Applicant

(By applicant in person)

versus

Union of India, through

1. Secretary
Ministry of Finance
North Block, New Delhi
2. Director General
Defence Estates, M/Defence
West Block IV, R.K. Puram
New Delhi

(By Shri K.C.D.Gangwani, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

1. This review application has been filed on behalf of the applicant seeking review of the judgement and order dated 11.9.98 by which OA 2644/96 was dismissed on account of limitation and being devoid of merit, on the grounds that there are errors apparent on the face of records.

2. After going through the averments made in the RA, we felt that fresh arguable points have been brought out by the review applicant in that some of the officials, similarly placed like him, have been considered for promotion with retrospective effect though they did not complete the probation period and that review applicant came with a few judicial pronouncements of the Hon'ble Supreme Court in support of his prayer made in the OA as

regards consideration for promotion while on probation. Therefore it was ordered on 21.1.99 that notices should go to the respondents on the RA.

3. Normally, review of an order can be resorted to under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with the provisions of Order 47, Rule 1 if there is (1) discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made; (2) an error apparent on the face of the record or (3) any other analogous ground.

4. We heard the applicant in person and the learned counsel for the respondents and carefully gone through the averments made in the RA as well as submissions advanced by the review applicant.

5. We are now of the considered opinion that it is a fit case for review of our order dated 11.9.98. We, therefore, allow this RA and recall our order dated 11.9.98 in OA 2644/96.

6. Let the OA be posted before the appropriate Bench on 20-1-2000 upon issue of fresh notices to the parties for re-hearing and proper adjudication of the case.


(Kuldip Singh)
Member(J)


(S.P. Biswas)
Member(A)

/gtv/
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as no D.B. merely