

13

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

M.A. No. 778/98 In  
R.A. No. 270/97 In  
O.A. No. 1689/97

New Delhi this the 27th day of May, 1998

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)  
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. All India CPWD SC/ST Association  
through its President J.J. Lal  
Room No.109-B, Ist Floor,  
I.P. Bhawan;
  2. S/o Shri G. Sewalia  
49/Type-IV,  
N.W. Moti Bagh,  
New Delhi-110 021.
  3. Dalchand  
S/o Shri Parasan  
C-4G/96B, Janak Puri,  
New Delhi-110 058.
  4. Om Prakash  
S/o Late Shri Mulkhi Ram  
B-3/178, Paschim Vihar,  
New Delhi-110 063.
  5. S.K. Sandhu  
S/o Shri Yash Pal  
A-4/136 Paschim Vihar,  
New Delhi-110 062.
- ....Applicants

By Advocate Dr. M.P. Raju.

Versus

1. Union of India through  
Secretary,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi-110 011.
  2. The Director General (Works)  
C.P.W.D.,  
Nirman Bhawan,  
New Delhi-110 011.
  3. National Commission for SCs/STs,  
Vth Floor,  
Lok Nayak Bhawan,  
New Delhi-110 003.
- ...Respondents

By Advocate Shri Madhav Panikar

6

ORDER (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J).

We have heard Dr. M.P. Raju, learned counsel for applicants and Shri Madhav Panikar, learned counsel for respondents on RA 270/97 and MA 778/98.

2. The applicants in RA 270/97 have sought a review of the order dated 18.8.1997. This is an oral order passed in the presence of the learned counsel for the parties. After hearing the learned counsel at length in RA 270/97 and <sup>renew</sup> the ~~pleadings~~ <sup>arguments</sup> ~~reply~~, we are unable to agree with the contentions of the learned counsel for the applicants that there is any error apparent on the face of the record or there is any other ground justifying review of the impugned order under Order 47 Rule 1 CPC read with Section 22 (3)(f) of the CAT (Procedure) Rules, 1987.

3. At this stage two of the applicants, namely, S/Shri Om Prakash and S.K. Sandhu, applicants No.4 and 5 respectively, in O.A. 1689/97 who are present in Court submit that they would like to be heard. DR. M.P. Raju, learned counsel for the applicants submits that he would, therefore, like to withdraw from the case and the applicants may be heard in the RA. Shri Sandhu submits that two of the applicants from the previous panel of 1995-96 have since been promoted. He further submits that the respondents have failed to give promotions in respect of 8 of the SC candidates in the panel of 1995-96 but they have prepared another panel. It is, however, not the case of the applicants that the earlier panel has been cancelled so far by the respondents. In the reply also the respondents have submitted that two of the persons from the panel have been promoted. From the above, it appears that the previous panel has not been cancelled, which has also

been confirmed by Shri Madhav Panikar, learned counsel for respondents.

4. In the impugned order dated 18.8.1997 itself it is mentioned that "persons who are already in the zone of consideration, either in normal zone or extended zone, will have to be considered in the same manner as others by applying the rule of seniority subject to rejection of unfit". The impugned order is a reasoned order. Taking into account the pleadings and the submissions referred to above, we reiterate that we find no error apparent on the face of the record justifying review of the order. If the applicants have any grievance, the remedy may be elsewhere by way of appeal, but the instrument of review cannot be used for this purpose. In the circumstances of the case, RA 270/97 is rejected. Accordingly, MA 778/98 also stands rejected.

(K. MUTHUKUMAR)  
MEMBER (A)

(MRS. LAKSHMI SWAMINATHAN)  
MEMBER (J)

Rakesh