

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH.

R.A.No.168 of 1997 in

O.A.No.2465 of 1995

New Delhi this the 22 day of April, 1998

36

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN(J)

HON'BLE SHRI K.MUTHUKUMAR, MEMBER(A)

Shri Rudra Pal Sharma,
S/o Shri Yad Ram Sharma,
R/o C-33A, Vishwas Park,
Delhi-110 059.

..Review Applicant

versus

1. Union of India through
Secretary,
Ministry of Communication,
Ashoka Road,
Sanchar Bhavan,
New Delhi.
2. The Chairman,
Telecom Commission,
Department of Telecommunication,
Sanchar Bhavan,
New Delhi.
3. Secretary,
Department of Posts,
Dak Bhavan,
New Delhi.
4. Member(Finance),
Department of Telecom,
Sanchar Bhavan,
New Delhi.

..Respondents

ORDER BY CIRCULATION

Hon'ble Mr.K.Muthukumar, Member(A) :

This application seeks to review the order passed in O.A.No.2465 of 1995 with the other connected O.As. by the order dated 8.4.1997. Applicant has reagitated the matter on the same grounds as in the O.A. Applicant has stated that the Tribunal had committed error by assuming that there would be surplus candidates and not verifying the facts.

2. We have seen the pleadings in the O.A. and also the reply.

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3. In our order it was observed as follows:-

"In the context of surplus candidates available within the department itself to man these posts in the department, it is only reasonable that the respondents have decided to repatriate the applicants...."

This is not a conclusion of the Tribunal but the observation of the averments made by the respondents in their reply. It was stated in the reply as follows:-

" However before the process to amend the RRs could take place, the result of JAO Part.II exam was declared in the month of August,1994 in which 458 candidates ~~had been~~ declared successful. Such a large number of qualified candidates was quite unexpected. Another result was declared in the month of September '95 in which 484 candidates were declared successful. With the availability of such a huge number of candidates the shortage in the cadre of JAO has almost been wiped out. It is submitted that the deputationists are taken to man the posts, only when sufficient eligible persons in the cadre are not available."

It was in this context that the aforesaid observation was made in the order and it is not a conclusion of the Tribunal or Tribunal's own observation. In the rejoinder, the applicants had not specifically contested the position stated by the respondents. In the Review Application, the applicant has raised a dispute on this. This is not permissible in a Review Application.

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4. No omission or error has been pointed out on the face of the record. The RA has no merit and is accordingly rejected.


(K. MUTHUKUMAR)
MEMBER(A)


(A.V. HARIDASAN)
VICE CHAIRMAN

Rakesh