

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON. SHRI R.K. AHOOJA, MEMBER (A)

New Delhi, this the 28th day of August, 1997
RA NO.177/97 in OA NO.1452/95

(22)

PRABHJOT SINGH
S/o Sardar Nirmal Singh
H.No.8, Road No.9,
Punjabi Bagh Extension
New Delhi-26

...APPLICANT

VERSUS

Union of India, through

1. Secretary
Ministry of Railways
Rail Bhawan
New Delhi
2. General Manager
Northern Railway
Baroda House
New Delhi

ORDER (BY CIRCULATION)

R.K. AHOOJA, MEMBER(A)

The petitioner seeks a review of the impugned order on the ground that there is a patent error on the face of record. The brief facts of the case are that the applicant had appeared in the Limited Departmental Competitive Examination for filling up 25% of the vacancies for promotion to the post of Assistant Accounts Officer (AAO for short), and after being declared successful was appointed to officiate as AAO w.e.f. 22.3.80. Later on, the respondents sought to revert him on the ground that he did not fulfill the condition of qualifying service of five years as Section Officer before appearing in the Departmental Examination. Thereupon, the applicant had approached the

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Delhi High Court and his writ petition was transferred to Tribunal and registered as T-873/85, which was decided on 18.5.89. The requirement of five years' service as Section Officer was upheld and the Tribunal held that while his promotion should not ^{be} disturbed, in regard to seniority, he will be entitled to the same from the date he actually became eligible to appear in the Examination.

During the pendency of the case before the Tribunal, the applicant was however reverted as Section Officer on 2.3.83 but was promoted again on 21.5.1984. The applicant filed a contempt petition for non-compliance of the Tribunal's order in TA-873/85, which was disposed of on 16.10.1992. The Tribunal concluded that its directions ^{had} been complied with and the contempt petition did not survive. The applicant, however, made certain representations to the respondents and failing to obtain satisfaction, filed an O.A. No.1452/1995 which was disposed of by the impugned order dated 6.6.1997.

2. The review petitioner states that he had asked for a number of reliefs, (a) to (f) but the Tribunal in the impugned order referred to only two of them and no decision was given on the remaining reliefs sought for. Secondly, he submits that though the Tribunal noticed that his promotion as AAO had been advanced from 4.7.86 to 5.9.84, it did not consider that the persons junior to him, as a change of this seniority, had been considered for promotion as Senior Accounts Officer (SAO), and that consequently he was also entitled to promotion and refixation of his seniority as SAO with reference to the promotion of those juniors with all consequential reliefs.

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3. We have carefully considered the above submissions. In our view, these do not establish that there is any error apparent on the face of record. The applicant had indeed asked for a number of reliefs. However, the main reliefs sought were the regularisation of the period of reversion from 29.6.1983 to 31.5.84 as AAO and to advance the date of his promotion as SAO on NBR from 5.7.89 to 29.5.86. The other reliefs sought for by him were consequential in regard to refixation of pay, seniority, revised LPC for RITES, retiral benefits and payment of interest on arrears. The question of consequential reliefs did not arise when the main reliefs were denied. As regards the second point regarding the benefit of NBR for promotion as SAO, the review petitioner states that S/Shri S.R. Soni and M.C. Shukla who became junior to him have been promoted in December 1987 while he had been given the benefit under NBR w.e.f. 5.7.89. Nothing has come on record to show that these two persons were in the same category as the applicant, i.e., there were Section Officers who were promoted as AAOs and then as Accounts Officers in the same line as the applicant, nor any seniority list was produced nor it was asserted that when these persons had been considered for ad hoc promotion as SAO, the applicant had not been considered by the DPC.

4. In view of the above, we find that there is no error on the face of record which would justify a review of the impugned order and ^{the} R.A. is accordingly dismissed.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

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