

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.301/95 in OA No.1729/95

New Delhi, this 15th day of November, 1995

Hon'ble Shri B.K. Singh, Member(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

T.L. Gupta
s/o Shri Mangat Rai Aggarwal
A-186, Vikaspuri
New Delhi-110 018

.. Applicant

Vs.

Director General (Works)
C.P.W.D.
Nirman Bhawan, New Delhi-110 001

.. Respondents

ORDER (By circulation)

Hon'ble Shri B.K. Singh

This Review Application has been filed against the judgement dated 21.9.1995 in OA 1729/95. It is admitted that the applicant received the copy of the judgement on 28.9.95. The review application was filed on 27.10.95 but there were certain defects and after removal of the same, the application was filed on 8.11.1995.

2. The Tribunal does not have any inherent power of review. It exercises that power under order 47, Rule 1 of the CPC, which stipulates that a review will lie if there is discovery of a new and important piece of evidence, which in spite 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. None of these elements are available here.


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10

3. It was admitted by the applicant that he received the promotion order issued by the respondents on 31.8.95 and on the same day he filed representation against the promotion order No.195/95 dated 31.8.95. In the last para of that representation, he had prayed that the order dated 31.8.95 may not be implemented. The respondents have not yet disposed of that representation. The court can not sit as an appellate authority over the proceedings of the DPC meeting as held by the Hon'ble Supreme Court in case of Major Gen. I.P.S. Deewan Vs. UOI and in a catena of other judgements. If the courts can not sit as an appellate authority much less can they pass any interim order regarding the stayal of the implementation of the promotion orders after DPC meeting. If after the dispcolal of the representation, the applicant has any grievance, he can approach the court for redressal. The OA was accordingly dismissed as pre-mature. A representation/appeal has been filed and the same is pending with the respondents. The applicant can approach the court ~~after~~ one-and-half years from the date the cause of action arose to him. The cause of action arose to him on 31.8.95 and therefore he still has to wait till the disposal of his representation. There is no merit in the review application and the same is summarily rejected under order 47, Rule 4(1) of the CPC.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

B.K. Singh
(B.K. Singh)
Member (A)

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