

Central Administrative Tribunal, Principal Bench

Review Application No.7 of 2000  
(in O.A.No.2047 of 1995)

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New Delhi, this the 14th day of January, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. R.K. Ahooja, Member (Admnv)

ID Garg, c/o GK Aggarwal, Advocate,  
G-82, Ashok Vihar-I, Delhi-110052  
(Ph: 7124153) - Applicant-petitioners

Versus

1. Union of India thro' Secy, Deptt  
Culture, Shastri Bhawan, New  
Delhi-110001.
2. The Director General (Works),  
Archaeological Survey of India,  
Janpath, New Delhi-110001 - Respondents

O R D E R (in circulation)

By R.K. Ahooja, Member (Admnv) -

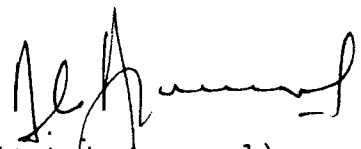
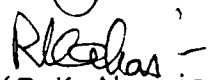
The applicant had come in the OA challenging the recommendation of the review DPC held on 12.4.1994 for promotion to the rank of Deputy Superintending Archaeological Chemist ('DSAC' for short) in the Archaeological Survey of India. The OA was dismissed concluding that though there was a technical lacuna in the DPC it had made no material difference to the applicant as he had already been granted promotion on the basis of the recommendation of the DPC held on 24.10.1990. The applicant has now come in the review petition stating that the proceedings of the impugned DPC were bad in law as certain adverse remarks were considered which had not been communicated to the applicant; that there were unauthenticated interpolations/ cuttings in the DPC proceedings dated 23.10.1987; the DPC record should have been shown to the applicant's counsel; and that the allegation of malafide against respondent no.6 were rejected by the Tribunal on a wrong interpretation of law.

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2. We find from a perusal of the review petition that the same is essentially directed against the conclusion of the Tribunal. The only point to be considered is applicant's submission that the records of DPC perused by the Tribunal were not shown to the applicant or his counsel. In our view that was not required. In judicial review the Tribunal is not called upon to reappreciate the evidence which becomes inescapable if it goes into a controversy over facts. In the interest of justice the Tribunal satisfied itself on perusal of the record that the same corresponded to the averments made on behalf of the respondents. It was in the discretion of the Tribunal as to whether assistance of the counsel of the applicant was required in regard to the confidential material such as the DPC proceedings or the CR dossier of the applicant.

3. We, therefore, find no substance in the grounds taken for seeking the review. As we find no patent error on the face of record, the review petition is summarily dismissed.

  
(Ashok Agarwal)  
Chairman  
  
(R.K. Ahooja)  
Member (Admnv)

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