

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.186/2002 in OA No.726/2000

New Delhi, this the 20th day of August, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

Union of India, through

1. Additional Secretary (SR)
Cabinet Secretariat
Bikaner House (Annexe)
New Delhi
2. Director
Aviation Research Centre
Cabinet Secretariat
Block V East, R.K. Puram
New Delhi
3. Shri Bagat Ram
Asst. Director
HQ Estt.22, c/o 50 APO. .. Applicants (Respondents
in OA)

(Shri R.N. Singh, Advocate)

Versus

V. K. Naithani
ARC, Doom Dooma
Dist. Tinsukhia, Assam .. Respondent (Applicant in OA)

ORDER (in circulation)

Shri M.P. Singh, Member (A)


The present RA is filed on behalf of the Union of India for review of judgement/order dated 18.9.2001 by which OA No.726/2000 was allowed with the directions to the respondents to refix the seniority of the applicant (in OA) in the grade of SFO in pursuance of the judgement of the Hon'ble Supreme Court in Ajit Singh's case and thereafter convene a meeting of review DPC to review the proceedings of the DPC held in the year 1999 and fill up all the six vacancies of AO by way of promotion within a period of three months from the date of receipt of a copy of that order.

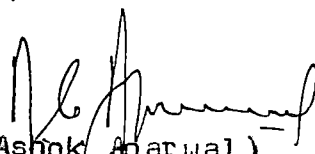


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2. Review applicants have stated that DoPT vide its OM dated 21.1.2002 has circulated certain instructions on the subject of 'Seniority of SC/ST Government servants on promotion by virtue of rule of reservation/roster' in pursuance of the Constitution (85th) Amendment Act, 2001. The instructions contained in this OM negate the effects of the DoPT OM dated 30.1.1997. Thus it has become impossible for the review applicants to comply with the directions of this Tribunal in OA 726/2000 in letter and spirit. Hence the present OA for review.

3. It is settled legal position that a review petition will lie only when there is a glaring omission, patent mistake or grave error in the judgement. Admittedly, it is not the case of the review applicants that review is sought on one of these conditions but review is sought merely on the ground that OM dated 21.1.2002 negates the effect of the DoPT OM dated 30.1.1997. OA No.726/2000 was disposed of on 18.9.2001 with the aforesaid directions, whereas DoPT's OM regarding seniority of SC/ST Government servants was issued on 21.1.2002, i.e. more than four months after the date of judgement in OA No.726/2000. Therefore, it was open to the review applicants to seek the advice of their nodal Ministry or DoPT in the light of the OM dated 21.1.2002, rather than filing the present RA. In view of this position, the present RA does not come within the four corners of Order 47, Rule 1 CPC read with Section 22(3)(f) of Administrative Tribunals Act, 1985 and is dismissed accordingly.


(M. P. Singh)
Member (A)


(Ashok Agarwal)
Chairman