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Central Administrative Tribunal
Principal Bench

RA No.295/2002 IN
OA No. 1124/2000

New Delhi, this the 12th day of May, 2003

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri Govindan S.Tampi, Member (A)

P.M.Rangasami ...Applicant.

(Applicant in person)

Versus

Union of India and Others ...Respondents.

By Advocate: Shri R.V.Sinha)

ORDER(ORAL)

By Shri Kuldip Singh, Member(J)

Heard.

2. RA 295/2002 is filed by the applicant in OA 1124/2000 seeking to recall and review of the Tribunal's order dated 23.10.2001 disposing of the OA.

3. OA 1124/2000 was filed by the applicant, who is an Officer of Indian Economic Service seeking certain reliefs, which was disposed of by the above order dated 23.10.2001. CWP No.1375/2002 filed by the respondents before the Hon'ble Delhi High Court was dismissed on 30.9.2003. Applicant thereafter filed CP 217/2002 in OA-1124/2000 which was disposed of on 23.10.2002 with the following observations:-

7. Having regard to the directions issued by the Tribunal in OA-1124/2000 as the integrated seniority could not be finalised due to remittance of the case by the High Court for fresh consideration in A.K. Belwal's case till settlement of final seniority list the further promotion would have to be considered in HAG on the basis of the original seniority which led to promotion of SAG w.e.f. 7.3.97. We find from the record of the DPC that in the seniority list which has been considered to promote the

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applicant in SAG is not the seniority list of 1986 but the draft seniority list of 12.8.94 wherein the applicant was junior and none of his juniors have been promoted as HAG by the DPC in 2002. Moreover the issue whether the original seniority list for the purpose of promotion to SAG held in 1997 as 1986 seniority list or whether issued in 1994 has not been adjudicated upon in the earlier OA and constitutes a fresh cause of action which cannot be gone into in a contempt petition. As the respondents have considered the case of the applicant for promotion in HAG we do not find any wilful disobedience on their part. Accordingly CP is dismissed and notices are discharged. However, this will not preclude the applicant from taking up the appropriate proceedings in accordance with law in the light of the decision of the Apex Court in J.S. Parihar v. Ganpat Duggar, JT 1996 (9) SC 611.

4. The review applicant has now come up seeking certain clarifications and issuance of fresh directions to the respondents in the matter.

5. Perusal of the order disposing of the CP makes it very clear that the aspect of the seniority of the applicant has not been adjudicated upon in the earlier OA and that the fresh cause of action has arisen and could not be taken in a contempt petition. Such a matter can also not be raised in the RA. The scope of RA is very limited and it is only where an error apparent on the face of record. What is agitated by the review applicant in the present RA is a fresh cause of action for which remedies lie in the fresh OA but on the original side. Applicant can, if he so wishes, seek his reliefs by filing fresh OA.

6. RA is not maintainable and the same is accordingly dismissed.

(Govindan S. Tampi)
Member (A)

/kdr/

(Kuldeep Singh)
Member (J)