

In the Central Administrative Tribunal
Principal Bench, New Delhi

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Regn. No. RA- 170/93 In
OA- 760/93

Date: 02-7-93

Shri S.D. Sharma Applicant

Versus

Union of India Respondents

CORAM: Hon'ble Mr. I.K. Rasgotra, Administrative Member
Hon'ble Mr. J.P. Sharma, Member (Judl.)

1. To be referred to the Reporters or not?

(Judgement by Hon'ble Mr. J.P. Sharma, Member)

Aggrieved by the judgement and order dated 30th April, 1993, the review applicant filed this R.A. under Section 22(3) (f) of the C.A.T. Act, 1985, praying that the judgement be revised and the case be decided on merits after perusal of the ^{reply of the} respondents when filed.

2. Along with the review application, the applicant has also annexed Office Order No. 265/89 dated 29th August, 1989 contending that the same was not in his knowledge at the time when the original application OA-760/93 was filed. The review against an order lies on any of the grounds mentioned in Order 47, Rule 1 C.P.C. and the same is also applicable by analogy to the review applications filed under Section 22 (3) (f) of the Act.

3. We have gone through the judgement and the various averments made in the review application and also considered

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the order passed by us in the light of the fresh evidence filed by the applicant in the form of office order No.265/89, referred to above. In fact, the finding in the judgement is that the applicant had retired from service on 30.9.1988. The petitioner could not establish that he came within the zone of the number of posts determined for the purpose of grant of Selection Grade in accordance with the formulation accepted by the Government and allegedly adopted by E.S.I.C. ^{15%} ~~50%~~ of ⁶ the senior duty posts not exceeding the number of Junior Administrative Grade posts. In the fresh evidence filed by the applicant, i.e., Office Order No.265/89, the immediate senior to the applicant Shri E.K. Rajakrishnan, was allowed Selection Grade on ad hoc basis from 1.7.89. In the review application also, the applicant has not averred that any person junior to him has been granted Selection Grade or that Selection Grade posts were available before his retirement.

4. The applicant has not taken any fresh ground except relying on the Office Order 265/89. There is no case for review of the judgement, nor the finding of the judgement, in any case, can be varied after considering the Office Order No.265/89. The review application is, therefore, devoid of merit and is dismissed by circulation.

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(J.P. Sharma)
Member(J)

I.K. Rasgotra
(I.K. Rasgotra)
Administrative Member