

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

R.A. No. 210/99

IN

OA No. 2264/93

(21)

New Delhi: this the 9th day of November, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Union of India
through

Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Director,

Intelligence Bureau,
Ministry of Home Affairs,
New Delhi.

3. Shri S.C. Vardia,
Section Officer,
Ministry of Home Affairs,
Intelligence Bureau,
North Block,
New Delhi

.....Applicants/Respondents

in OA)

(By Advocate: Shri S.M. Arif)

Versus

Shri Babu Ram,
s/o Shri Phool Singh,
Assistant,
146, N.Arya Nagar,
Meerut Road,
Ghaziabad (UP)

....Respondent (Applicant
in OA)

(By Advocate: Shri S.C. Luthra)

ORDER

Mr. S.R. Adige, VC (A)

Heard both sides on RA No. 210/99 seeking
review of the Tribunal's order dated 23.7.99 in
OA No. 2264/99.

2. In para 9 of that order it had been observed that it was not clear from the DPC proceedings whether applicant who belonged to SC community was being considered for promotion to a reserved post, and if so whether he was assessed by relaxed standards in terms of DP & AR's OM dated 12.10.90 and 22.4.92. Accordingly respondents had been directed to conduct a review DPC to consider applicant's promotion as S.O. with effect from the date his juniors were so promoted, in accordance with what had been stated above, and also other relevant rules and instructions.

3. In para 3(b) of the RA, it has been stated with reference to the above, that applicant was considered against a reserved post in the 1991 DPC but was found not yet fit for promotion. It is emphasised that DP & AR's OM dated 12.10.90 and 22.4.92 relate to selection posts whereas the 1991 DPC met to make recommendations in respect of non-selection post.

4. This specific assertion of respondents noticed in para 3 above has not been specifically denied by the review respondent (applicant in the OA).

5. Under the circumstance, we are satisfied that there is an error apparent on the fact of the record within the meaning of section 22(3)(f)AT Act read with Order 47 Rule 1 CPC.

6. RA No.210/99 is allowed, and OA No.2264/93 is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)

MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).