

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

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RA-387/93  
in  
O.A. No.1842/93

Date of decision 22.4.1994

Hon'ble Shri B.N.Dhoundiyal, Member(A)  
Hon'ble Shri B.S. Hegde, Member(Judicial)

Shri I.S. Harit  
S/o Sh. Itwari Ram Harit,  
resident of 11-B/11,  
I.A.R.I. Campus, New Delhi ... Review applicant

(By Advocate Shri P.L.Mimroth )

Versus

1. Union of India through Secy. to the  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-1
2. The Director General, Indian Council of  
Agricultural Research, Krishi Bhawan,  
New Delhi-1
3. The Director, Indian Agricultural Research Institute,  
Pusa, New Delhi ... Respondents

(By Advocate Sh. Manoj Chatterjee )

ORDER

(Delivered by Hon'ble Sh. B.S. Hegde, Member(Judicial))

Heard the learned counsel for both the parties and perused the review application. Applicant has filed a review application seeking review of the order dated 6.9.93. The Tribunal has disposed of this application on the ground that OA as premature since his representation was under consideration with the department. Accordingly, OA was dismissed, however, the petitioner was directed to approach the Tribunal, if so advised, in the case of adverse decision being taken by the Respondent in accordance with law.

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2.

The applicant counsel Sh. Mimi Roth has drawn our attention that so far, the respondent has not passed any order on the representation made by him. We have seen the Review application, we are satisfied that Review application can be disposed of by circulation under Rule 17(3) of the C.A.T (Procedure) Rules, 1987 and we proceed to do so.

3.

On perusal of the pleadings, we find that the applicant's contention is that he should be regularised w.e.f. 22.3.1988 against reserved vacancy as Assistant Administrative Officer. In accordance with the Recruitment Rules, 3 year service in the <sup>of</sup> ~~grade~~ Superintendent are eligible to be considered for appointment as Asstt. Administrative Officer in the pay scale of Rs 2000-3500. The applicant was appointed as Superintendent w.e.f. 22.3.1985. Therefore, he would be eligible for consideration to the post of Asstt. Administrative Officer w.e.f. 22.3.1988.

4.

Respondents in their reply have stated that the applicant who is a Sch. caste employee belongs to the reserved category is now claiming for promotion against a reserved quota for the post of Asstt. Administrative Officer which has already been filled up in 1987 by a senior unreserved candidate against the point No.22 because at that time no eligible reserved candidate was available to fill up the said post. Since the applicant

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has not completed the requisite number of service years  
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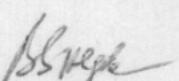
*[Signature]* he could not be accommodated in the year, 1987 and at that

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in the said post against the said quota as per Recruitment Rules. As per Rule, there is no carry forward of reservation from year to year in the case of group A & B post. The post of Asstt. Administrative Officer is group 'B' post and there is no carry forward of reservation quota in group 'B' category. Therefore, the applicant could not be considered for the post in the year, 1987. Since there was no existing vacancy in 1988 when he was eligible to be considered, however, keeping in view of the exigency of services, he was given adhoc promotion as Asstt. Administrative Officer on 18.3.1989 and he continued as Assistant Administrative Officer till he was regularised on 1.2.90. It is contended that the applicant has been rightly given the benefit of regularisation earliest possible regular vacancy next reserved point for S.C.

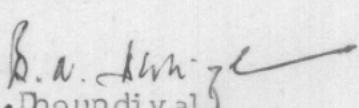
5. It is well settled that the scope of the Review application is very limited and a R.A. is maintainable only if there is an error apparent on the face of the record or some new evidence has come to notice etc.

6. In the circumstances, we are of the opinion, that neither an error on the face of the record has been pointed out nor any new facts have brought to our notice calling for review of the judgment. We do not see any merit in the R.A. and hence the same is, therefore, dismissed.

  
(B.S. Hegde)

Member (J)

sk

  
(B.N. Dhondiyal)

Member (A)

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