

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA- 53/94 IN

OA-1810/93

Shri Krishan

UDC of CBI presently on
deputation in JAG

Deptt. of NSG as AC-III

Block 'B', 11th Floor, CGO Complex,
Lodhi Road, New Delhi-110 003.

.. Applicant.

(By Shri Sandeep Bhalla, Advocate for the applicant)

Vs.

1. Union of India
through Secretary, M/O Home Affairs,
North Block, New Delhi.
2. Secretary,
DP&T, North Block, New Delhi.
3. The Secretary,
Staff Selection Commission,
New Delhi.
4. The Director,
Central Bureau of Investigation,
Block No.3, CGO Complex,
New Delhi.
5. The Joint Director (A),
CBI (HQ)
CGO Complex, New Delhi.
6. The Dy. Director (A),
CBI, CGO Complex, New Delhi.
7. Mrs. Seema Pahuja, SCS
now Sub Inspector under
Respondents 4 to 6.
8. Shri IK Hassan,
Const. now Sub Inspector,
under respondents 4 to 6.
9. Shri JC Tiwari,
now Sub Inspector under
respondents No. 4 to 6.
10. Sh. M. Shahjahan, Head Const.
now Sub Inspector under
respondents No. 4 to 6.
11. Shri R. Parthasarthy, UDC
now Sub Inspector under
Respondents No. 4 to 6.
12. Shri Sewa Singh, Const.
now Sub Inspector under
respondents No. 4 to 6.

.. Respondents.

CURAM: Shri N.V. Krishnan, Vice Chairman (A).
Shri B.S. Hegde, Member (J).

16

O R D E R

Shri N.V. Krishnan, Vice-Chairman(A)

This application has been filed seeking review of our order dated 30.11.1993. We have perused the Review Application and are of the view that it can be disposed of by circulation and we proceed to do so.

2. We notice that in the R.A., two main grounds have been raised. Firstly, it is stated that though many grounds were raised in the O.A., it was dismissed on the main ground that the applicant was a failed candidate. The other ground raised is that we have disagreed with the decision of the Jaipur Bench and, therefore, the matter should have been referred to a Larger Bench. It is stated that ~~the~~ these are errors apparent on the face of the record and, therefore, a review is called for.

3. We have, by our order, dismissed the O.A. on the ground that the applicant was a failed candidate, who was questioning the selection before us. We also held that the interview held by a Board of 5 Members instead of a Board of 3 Members, as notified, does not vitiate the interview proceedings. The learned counsel for the applicant produced before us the judgement of the Jaipur Bench in OA-1153/92. We distinguished that judgement by pointing out that the Bench did not consider whether the competent authority could not

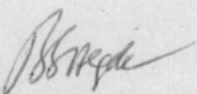
(11)

constitute a Board of 5 Members instead of 3 and as to whether this had affected the applicant adversely.

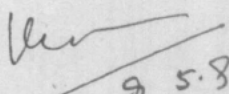
4. Our decision to dispose of the case on a ground which goes to the root of the matter without considering other grounds, is a deliberate judgement and it cannot be said that there is any error apparent on record. When there is an issue which goes to the root of the matter to find that the O.A. has no merit, it is not necessary to discuss other grounds.

5. In regard to the decision of the Jaipur Bench of the Tribunal, we have sought to distinguish that judgement in para.10 of our order. This is not a case of disagreement between the two Benches. We have only held that certain aspects of the present case which are relevant, have not been examined in the judgement of that Bench and, therefore, it was distinguishable.

6. We do not find any ground in the R.A. which justifies a review of the O.A. Therefore, the application is dismissed.


(B.S. Hegde)
Member(J)
Camp: New Delhi.

SLP


9.5.84
(N.V. Krishnan)
Vice-Chairman(A)