

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.9/98 in OA No.681/93

New Delhi, this 13th day of January, 1998

Hon'ble Shri S.P. Biswas, Member(A)

Shri Pawan Kumar Gupta
Central Translation Bureau Hostel
M/Home Affairs, Pushpa Vihar
New Delhi

.. Applicant

versus

Union of India, through

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

2. Director
Intelligence Bureau
M/Home Affairs, New Delhi .. Respondents

(By Shri K.C.D.Gangwani, Sr.Counsel)

ORDER (in circulation)

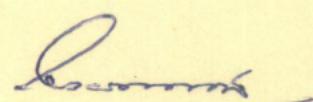
This review application is filed on behalf of the Union of India for modification of the judgement and order dated 3.9.97 in OA 681/93.

2. At the outset, it is made clear that the scope of review is very limited. The Tribunal is not vested with any inherent power of review. It exercises that power under Order 47, Rule 1 of CPC which permits review if there is (1) discovery of a new and important piece of evidence, which inspite of due diligence was not available with the review applicant at the time of hearing or when the order was made; (2) an error apparent on the face of the record or (3) any other analogous ground.

19

3. Though none of the above ingredients are available in the present RA, the Union of India seeks modification on the ground that the applicant did not fulfil the eligibility condition for the post of JIO-I or ACIO-II at the time of his initial appointment as LDC on 1.1.88 and that though he was allowed to appear in the examinations for appointment to the higher posts he could not qualify in any of the examination which bear testimony to the fact that he did not have potential to a higher post at the time of initial appointment on compassionate ground.

4. What was implied while allowing the OA filed by the applicant is that respondents shall consider the case of the applicant for placement in the higher grade subject to his entitlement and fulfilment of all conditions laid down within a period of four months and the applicant be informed accordingly. In the circumstances, I do not find any reason for a review or modification of the order and judgement dated 3.9.1997. The RA is accordingly rejected.


(S.P. Biswas)
Member (A)

/gtv/