



Central Administrative Tribunal Jammu Bench, Jammu

R.A. No.61/1/2020
O.A. No.61/29/2020

This the 14th day of July, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

Farooq Ahmed, age 55 years,
S/o Abdul Hafiz
R/o Haripura,
Bhaderwah, Tehsil Bhaderwah,
District Doda
...Applicant

Versus

1. Union Territory of Jammu and Kashmir
Through Secretary to Government,
FCS & CA Department,
Civil Secretariat, Jammu
2. Director,
FCS & CA Department,
Jammu
3. Rajinder Kumar
4. Neelam Kumari D/o Pyare Lal
5. Madan Lal S/o Bansi Lal
6. Ashok Kumar S/o Som Nath
7. Wahida Akhter D/o Manzoor Hafeez
8. Nitin Wadhera S/o Jagdish Raj
9. Harpal Singh S/o Shri Prem

All private respondents from No.3 to 9
are presently posted as Tehsil Supply
Officers in the office of Director FCS
& CCA Department, Jammu
...Respondents

O R D E R (In Circulation)

Dr. Bhagwan Sahai, Member (A):

Farooq Ahmed son of Shri Abdul Hafiz has filed this Review Application (RA) on 29.06.2020 seeking grant of relief sought by him in OA 61/29/2020, which was decided by this Tribunal on 16.06.2020.

2. Along with RA, the applicant has filed a copy of order passed by this Tribunal on 16.06.2020 in OA 61/29/2020. After considering submissions of the applicant in that OA, it was disposed of stating that under Section 19 of the Administrative Tribunals Act 1985, an OA can be filed before the Tribunal only against final order/ decision of Government or other authorities. Since in the present case, the respondents have issued only a tentative seniority list as on 01.11.2019 of Tehsil Supply Officers/ Head Assistants/ Supervisors/ Area Inspectors of the department of FCS&CA, Jammu Division vide letter dated 30.10.2019 and since it was not a final seniority list, objections to it, if any, were invited. The applicant too submitted his objections. Thus with notification of the tentative seniority list, final stage of decision on seniority list had not reached. Thereafter, no final seniority list had been issued by the respondents till final disposal of the OA, which was disposed of advising the applicant to await notification of the final seniority list and if his grievance still persists, he can challenge the final seniority list.

3. Scope of RA is limited. Against an order of the Tribunal, RA can be filed only when there is an error or mistake apparent on the face of the order or record.

4. In the present RA, the applicant has not pointed out any mistake or error apparent on the face of the order dated 16.06.2020 or record and he has simply sought review of that order dated 16.06.2020 to grant him the

same relief which he sought in OA 29/2020. If the applicant is not satisfied with the order of the Tribunal, the right course available to him is to file an appeal against it. However, in the present RA, the applicant is seeking the same relief which he had already sought in OA. Thus it is another OA in the garb of RA, which is not permissible in law and, therefore, we find no merit at all in this RA. In fact, it is not maintainable and cannot be entertained.

5. We are unable to appreciate desperation of the applicant to indulge in such unnecessary litigation in spite of clear advice to him in the Tribunal's order to wait for notification of the final seniority list by the respondents and thereafter if his grievance still persists, he may approach the Tribunal. Till the respondents notify the final seniority list, we do not foresee any adverse effect of the tentative seniority list on the applicant. Hence we deprecate this tendency of the applicant. He should desist from indulging in such frivolous and wasteful litigation.

6. In view of above, the RA is dismissed.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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