

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

RA 380/93  
in  
DA No. 992/86

Date of Order: 22-10-93

Shri B.B. Srivastava ..... Petitioner  
Vs

Union of India ... Respondents

Coram:

Hon'ble Shri J.P. Sharma, Member (J)  
Hon'ble Shri B.K. Singh, Member (A)

ORDER (By Circulation)

The Original Application was dismissed by the Order dated 2.9.1993. As stated in Para A, the counsel for the applicant did not press for any relief for promotion for the years earlier to 1980. The only relief pressed was for promotion to the juniors time scale of IA & AS in the vacancies arisen in the year 1980 onwards. The judgement therefore was restricted to that issue only. The Review Applicant has sought review of the judgement on account of certain factual errors in the dates. In fact these dates are not material for coming to the conclusion which we have arrived at. For instance the date of memo has been wrongly typed as 20.9.1984 in stead of 28.9.1984. Further the IA & As Recruitment Rules 1983 were finalised in December 1982 and not in September 1982 as was stated. These typographical errors therefore are immaterial and appears to be crept into the judgement because of typing mistakes.

In para B,C,D, E & F the applicant has taken certain argumentative points which have already been considered in the body of the judgement.

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A review of judgement lies on the ground mentioned in Order 47 Rule 1 CPC Which are firstly there is no error apparent on the face of the record, secondly any evidence which was not with due diligence in the knowledge of the petitioner at the time of hearing and wants to rely the same giving specific reasons of not filing that evidence at the time of hearing and thirdly ~~non~~ <sup>analogous</sup> ~~analogous~~ grounds.

The grounds taken for review are fresh arguments in the shape of grounds and therefore did not make out a case for the review of the judgment. Even then we have considered these grounds and we find that these are fully covered in the discussion of internal page 8 of the judgement in the para 12 which should have been numbered as 15. The proceedings of the DPC of the relevant years beyond 1980 were scrutinised in the presence of the counsel of the review applicant and it was found that the applicant did not fall in the zone of consideration. The applicant has only highlighted the fact that even beyond the age of 53 years, the applicant should have been considered. That fact has also been considered in the judgement.

The review applicant has also dealt at length about the delay in notifying the IA & AS recruitment rules 1983 but in fact the issue which was pressed at the time of hearing was whether the applicant could get any promotion in the DPC which was held for the posts available after 1980 on the basis of old recruitment rules. The conclusions cited by the applicant in the review application in the grounds have been fully considered in the vacancies which were

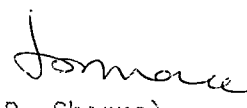
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considered by review DPC of 1980, 1981, 1982 and 1983. The review applicant has his notion of vacancies but the vacancies have been taken from the departmental file the DPC has considered for the promotion of the eligible persons.

However, before parting with the review application the paragraphs which have not been correctly numbered have been now shown correctly. In view of the facts and circumstances, the <sup>Review</sup> application is devoid of merits and dismissed by Circulation.

  
(B.K. Singh)  
Member (A)

  
(J.P. Sharma)  
Member (J)

\*Mittal\*