

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

R.A No. 37 of 1987

in  
O.A. No. 59 of 1986  
~~P.A. No.~~

DATE OF DECISION 1st July, 1987

N.V. Swami & three others Petitioner s

Shri Irfan Ahmad Advocate for the Petitioner(s)

Versus

Secretary, Ministry of Water Resources Respondent s  
and Chairman, Central Water Commission

Shri M.L. Verma Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Birbal Nath, Administrative Member

The Hon'ble Mr. G. Sreedharan Nair, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

..2/-

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ORDER

(Pronounced by Shri G. Sreedharan Nair,  
Judicial Member)

This petition has been filed by the applicants in the main application for review of the order on the main application.

We have heard the counsel of the petitioners and have perused the records.

We are not satisfied that there is any ground for review.

What is urged in the petition is that the conclusion in the final order has been made on certain wrong factual premises and that there are certain errors apparent on the face of the record. It is also urged that one fundamental contention raised by the petitioners has not been adverted to.

The petitioners belonging to the Scheduled Caste, who are working as Deputy Directors in the Central Water Commission under the Ministry of Water Resources, have claimed in the main application that they have a right of being considered for promotion to the post of Director by extending the zone of consideration in view of Clause (c) of paragraph 3 of the Office Memorandum dated 24.12.1980 issued by the Department of Personnel & Administrative Reforms. It was contended by the respondents that the said Clause is not applicable since no vacancies have been reserved for candidates belonging



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to the Scheduled Caste/Scheduled Tribe for promotion to the post of Director. In the final order the scope of the O.M was considered and it was held that the extension of normal field of choice and consideration of the candidates belonging to the Scheduled Caste/Scheduled Tribe coming within the extended field can be done only where vacancies are reserved for them. It was noticed that there was no case for the petitioners that in the matter of promotion of Deputy Director to the post of Director there is any reservation of vacancies for the Scheduled Caste/Scheduled Tribe candidates. A reference has also been made in the order to the admission by counsel of the petitioners as well as <sup>by</sup> the 4th applicant, who was present before the Court at the time of hearing of the main application, that there was no reserved vacancy. Though the 4th petitioner has filed an affidavit (Annexure 'E'), what is stated there is only that the reference to the admission in the final order "is an error and is a fundamental misconception". There is no denial. Apart from that there is nothing in the main application to indicate that there is reservation of any vacancy in the post of Director for Scheduled Caste/Scheduled Tribe candidates. It follows that the allegation regarding "wrong factual premises" and errors apparent on the face of the record cannot be sustained.

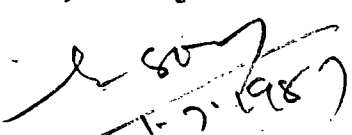
The second ground urged is that a fundamental contention raised by the applicants relating to the

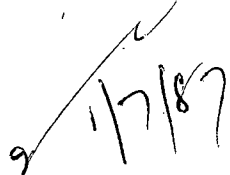
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inclusion of one Shri S.A. Char in the eligible list has not been adverted to. Actually there is no plea in their behalf in the main application. However, since at the time of final hearing a reference was made to it, the same was considered in the order. As is clear from the reliefs claimed in the main application the sole ground on which the applicants claimed their inclusion in the zone of consideration was on the basis of Clause (c) of paragraph 3 of the O.M referred to above, by invoking the extension of field of choice.

As there is no case for admission of the review petition, we reject the same.

  
(G. SREEDHARAN NAIR)  
Judicial Member  
1.7.1987

  
(BIRBAL NATH)  
Administrative Member  
1.7.1987

INDEX: Yes/No.

kcb./30.6.87.