

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

DATE OF ORDER: 3.7.1987.

RA 40/87 in O.A. 843/86.
Shri P.K. Chatterjee, ... Petitioner

Vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. Birbal Nath, Administrative Member.

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

For the petitioner: Shri B.S. Charya, counsel.

For the respondents: Shri P.H. Ramchandani, Sr. Counsel.

ORDER

(delivered by Hon'ble Mr. G.Sreedharan Nair).

This is a petition filed by the applicant in the main application for review of the final order passed on 3.4.1987. The petition is opposed on behalf of the respondents by Sr. Counsel, Shri P.H. Ramchandani,

2. Heard the learned counsel on either side. After hearing the elaborate arguments advanced by the counsel of the petitioner and after going through the Review Petition, we are not satisfied that there is any ground for review of the order.

3. The applicant, who is a Senior Scientific Assistant had filed the main application challenging the validity of the Recruitment Rules for the post of Scientific Officer, Grade II on the ground that the Rules provide for filling up the post only by direct recruitment. In the final order, it was held

by the Tribunal that the manner in which recruitment to a particular post is to be made has to be determined keeping in mind the efficiency in manning the post and ~~that~~ the necessity for the creation of a post, the method of filling up the same and the qualifications to be insisted upon are all matters which are primarily to be decided by the Administration, more so in the case of a technical institution. It was further held that if utilising its expertise, the Administration arrives at a decision on that matter, it cannot be subjected to judicial review unless it is violative of the Constitution or of the law.

4. The solitary ground on which this Review Petition is filed is that the above view taken by the Tribunal is not correct as this Tribunal is created under the Administrative Tribunals Act, 1985. It is urged that the Tribunal is required to adopt a very liberal attitude in this matter and in a larger perspective. It is on the ground that such an approach has not been adopted that the petition for review is filed.

5. We have no hesitation to state that the ground urged is not sustainable for review of the final order. It is the general principle relating to scope of judicial review of administrative action that governs the various legal forums and, *prima facie*, it cannot be said that as far as the ^{Central} Administrative Tribunal is concerned, it is governed by a different principle. In case, the petitioner would like to maintain that the approach adopted by this Tribunal on this question is erroneous in law, the remedy open to him is to get it corrected in appeal and not to file a petition for review. True, an error of law may also fall within an error apparent on the face of record, so as to maintain a petition for

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review. But it has to be emphasised that in such a case, the law on the particular matter should have been settled beyond controversy and not capable of two interpretations.

We dismiss this review petition.

① 317/87
(Birbal Nath)
Member (A)

h.s.n
(G. Sreedharan Nair)
Member (J)