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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

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R.A.No. 158/92. in OA No.s 463/86 and OA 525/86

Dr. Sudhir Kumar Kapoor Vs. Union of India

This review petition has been filed in OAs 463/86 and 525/86 in respect of which order was pronounced on 14.2.92. The petition has been filed on 21.4.92, when the copy of the order was sent to the learned counsel for the applicant on 24.2.92.

2. There is an MP for condonation of delay where the serious sickness and hospitalisation of the wife of the petitioner has been given as the ground for delay. We allow the MP and proceed to deal with the RA on merit.

3. The following points, among others, have been raised :-

(1) Dr. Ajay Kumar who was a candidate in the selection, filed an MP No. 1058/88 in OA 463/86 for impleading him. This MP was filed 2 years after filing of OA. The following orders were passed on the MP on 6.6.88 :

"By way of modification of the interim stay order we order that the Respondents may appoint the persons selected by the UPSC. However, any selection/appointment shall be subject to the result of the OA 463/86. The person to be appointed shall be intimated accordingly. If ultimately, the application is allowed, such a person will be bound by that order."

Earlier, the interim order dated 27.6.86 was that the result of the interview held on 19.6.86 for the post of Asstt. Professor be not declared by the respondent UPSC till the order on the next date. The interim order had continued till the modification ~~order~~ as above.

Subsequent to the issue of the aforesaid modified orders of the Tribunal, Dr. Ajay Kumar was appointed as Asstt. Professor in 2nd half of 1988.

The plea of the petitioner is that the delay in filing the MF and ⁱⁿ appointment of Dr. Ajay Kumar should not affect the petitioner.

We would like to observe that it was on the petitioner's OA that it was directed that the result of interview should not be declared. It was only when the interim order was modified and the respondents were directed to appoint the persons selected, that Dr. Ajay Kumar was appointed. Any delayed appointment on the basis of 1986 interview cannot be attributed to the filing of MF by Dr. Ajay Kumar.

(2) The other point raised is that the petitioner was appointed as Asstt. Professor with effect from 12.10.89, consequent on selection held by the UPSC and subjecting the petitioner for selection once again for a post which he has been holding would visit the petitioner with serious grievance.

We would like to repeat that the appointment of Dr. Ajay Kumar was upheld in the order of the Tribunal but it was directed that it would be just and proper that the petitioner be interviewed by the UPSC by treating him eligible against advertisements issued on 8.2.86 and 26.4.86 and in case he was selected, he might be regularly appointed from a date when Dr. Ajay Kumar was appointed on the basis of the aforesaid advertisement(s). The appointment of the petitioner as Asstt. Professor from 12.10.89 on recommendation of UPSC will not per se establish ^{that} ~~the~~ he was fit for selection earlier ⁱⁿ too on the basis of 1986 advertisement. Besides, the inter se merit of the petitioner and Dr. Ajay Kumar on the basis of 1986 advertisement has also to be determined, as directed in the order of the Tribunal. This can be done after interviewing

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the applicant on the basis of 1986 advertisement. The R.A. is thus bereft of any merit.

It is settled that the provisions relating to power to review constitute an exception to the general rule that when once a judgment is signed and pronounced, it cannot afterwards be altered or added to and hence the right of review is exerciseable only where circumstances are distinctly covered by statutory exceptions, which in the light of what has been stated above, hardly exist.

The R.A. is thus dismissed *with costs*.

I. P. Gupta
(I.P. GUPTA)
MEMBER (A) 8/5/92

Hon'ble Shri Justice Ram Pal Singh,
Vice-Chairman(J).

I agree. L. S. 8.5.92