

RA No.8/89
in O.A. No.1502/87

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Date : 25.4.89

Shri M.P. Singh and Another

Vs.

Union of India & Others

ORDER

The Review Petition has been filed by respondents Nos. 4 to 11 in OA No.1502/87 who had been impleaded as additional respondents in OA No.1502/87. They have prayed that this Tribunal may recall its order dated 30.11.88 and decide the case on merits in the light of the grounds set out in the petition.

2. The issues involved in OA No.1502/87 and the connected OA No.838/87 related to promotion made to Group 'A' posts and fixation of seniority of the members of the Indian Defence Estates Service (Group 'A' constituted under the Indian Defence Estates Service (Group 'A') Rules, 1985.

3. After going through the records and hearing the learned counsel of both parties, we had delivered our judgment on 30.11.88 directing the respondents to prepare fresh seniority lists treating AMEOs also as members of the Service from the date of their respective appointment and that such appointments must

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be deemed to be in relaxation of the relevant recruitment rules. We had also issued other directions in para 47 of our judgment.

4. The Petitioners have alleged that there are certain omissions in our judgment which have led to certain apparent mistakes on the face of the record, resulting in gross miscarriage of justice. Further it has been stated that they have come to know some relevant facts which could not be placed on record by them earlier.

5. The Petitioners have alleged that some of the points raised in their counter affidavit or arguments advanced during the hearing have not been adverted to in our judgment. These included the argument that the original application was barred by limitation, that the original applicants were governed by Central Civil Services (Temporary Service) Rules, 1965, that though the relevant rules were quoted in the judgment, they have not been considered in the conclusions contained in the judgment and that there is no indication in the judgment as to which rules are required to be relaxed for implementing the orders. The Petitioners have also referred to a letter of the Director General, Defence Estates dated 23rd March, 1981, in which it has been stated that "the officers promoted to Class I prior to 1st May, 1976, will not be affected in any way and the

Assitant Military Estates Officers (Technical) will be considered for promotion for the vacancies that have arisen after 1st May, 1976 only". The Petitioners have further stated that the decisions of the Supreme Court referred to in our judgment dated 30.11.88 are not applicable.

6. On going carefully through the grounds raised in the present petition, we are of the opinion that there is no error apparent on the face of record ^{the Or} warranting a review of our judgment. It would appear that the Petitioners are aggrieved by the conclusions reached by us in our judgment dated 30.11.1988. In that case, the proper course for them would have been to prefer an appeal against our judgment rather than to seek its review. We do not see any merit in the present Review Petition and the same is rejected.

7. The Review Petitioners have pointed out a typographical error in para 47(a) of our judgment requiring correction. The first sentence of para 47(a) of our judgment contains the direction that "Respondent No.1 should prepare fresh seniority lists treating AMEOs also as members of the service from the date of their respective appointment". Our intention was to direct
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the respondents to treat AMEOs (Technical) also as members of the Service. In view of the typographical error which has crept in, we hereby correct the first sentence of para 47(a) as follows:-

" Respondent No.1 should prepare fresh seniority lists treating AMEO(Technical) also as members of the Service from the date of their respective appointment".

S. P. Mukerji
(S. P. MUKERJI)
VICE CHAIRMAN(A)

P. K. KARTHA
(P. K. KARTHA)
VICE CHAIRMAN(J)