

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

RA NO.9/91 IN OA 553/87

DATE OF DECISION: 7.2.1991

SHRI S.K. ROY & ORS.

APPLICANTS

UNION OF INDIA

VERSUS

RESPONDENTS

2. RA 10/91 IN OA NO.1264/87

DR. V.S SUBHA RAO & ORS.

APPLICANTS

UNION OF INDIA

VERSUS

RESPONDENT

CORAM:

THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN

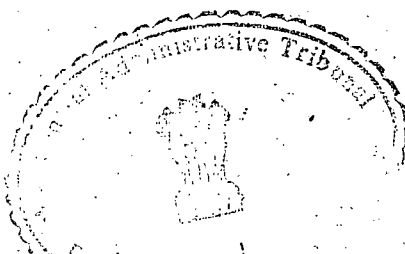
THE HON'BLE MR. I.K. RASGOTRA, MEMBER

FOR THE RESPONDENTS

SH. P.P. KHURANA, COUNSEL

These Review Applications have been filed by the petitioner (Respondents in OAs) praying for the review of the judgement in OA No.553/87 and 1264/87 delivered on 1.11.1990. The petitioner has submitted that the basis of the Hon'ble Tribunal's decision rests on the premise that in the absence of the concurrence of the UPSC for relaxation of the rules for the period 11.1.1976 to 31.12.90 to fill up the direct recruit vacancies by promotees cannot be legally sustained. The fact, however, is that the UPSC had agreed to the relaxation of the rules vide their letter No.F.3/9(1)/89-SW dated 1.1.1990. Another ground advanced for review is that the judgement has not taken cognizance of the memornadum of interim settlement allowed by the Hon'ble Tribunal in its order dated 16.2.1990.

The scope of the review application is very limited. The judgement can be reviewed only if there is an error apparent on the face of the record or some new facts have come to the notice which had escaped earlier even after exercising due diligence. As far



as the letter of the UPSC dated 1.1.1990 is concerned, the same was in the possession of the petitioner on 8.1.1990 well before the judgement was pronounced. Despite this it was maintained by the respondents in the OA that UPSC had not agreed to the relaxation of the Rules. The Tribunal was fully aware of the memorandum of settlement when it modified the earlier interim orders vide order dated 16.2.1990. The Tribunal has not put its seal of authority on the memorandum of understanding between the respective parties as final settlement nor was this the intention of the parties to the OAs. This was only an interim measure. The prayer made for reviewing the judgement, therefore, does not come within the scope of review and is accordingly rejected.

(I.K. Rasgotra)  
Member(A)

(Amitav Banerji)  
Chairman



"CERTIFIED TRUE COPY"  
By.....

Section Officer  
Central Administrative Tribunal  
New Delhi

FILED TO BE TRUE COPY

By.....  
5-1-2001  
Section Officer  
Central Administrative Tribunal  
New Delhi  
Cooperating Secy. New Delhi