

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

RA 68/93 in OA 588/87

Date of Decision :

19.4.93

Union of India & Ors. Vs. Mrs. Suchi Garg

ORDER

The above review has been filed by the Union of India against the judgement dt. 8.1.1993. Union of India through its counsel has urged that there is error apparent on the face of the record in as much as the Hon'ble Tribunal while pursuing the proceedings of the review DPC held on 8.9.1989 has observed that the DPC has taken the period from 1984 to 1989, While the applicant has to be judged on the basis of the period earlier to 1984. The review applicants have also placed reliance on the letter of the Ministry No.B-12014/1/75-Ad.III-A dt.18.8.1975 according to which the DPC has to see the service record only of those officers, whom they consider suitable for appointment as Inspector after the interview proceedings which apply and grade them on the basis of their over all records of service as in the case of their promotion to selection post on the ministerial side.

We have considered the matter in greater detail in the judgement itself. The opposite party, i.e., the applicant in the OA took the departmental examination while working as Stenographer Grade III in 1981 and she was declared successful and was also appointed as officiating Inspector of Central Excise and joined that post on 30.12.1983. It was only thereafter that because of not achieving certain physical standard of height, the applicant could not be given the appointment for which the applicant had made persistent

le

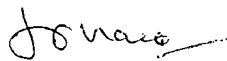
...2...

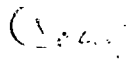
request for afresh medical examination and ultimately she has succeeded by the order of the administration itself. In the review DPC, the record earlier to 1984 has only to be perused to declare the applicant as not yet fit. So there is no error apparent on the face of the judgement itself. The matter has been heard in detail and the rival contentions have been fully discussed with reasons in the judgement.

As provided by Section 22 (3)(f) of the Act, the Tribunal possesses the same powers of review as are vested in a Civil court while trying a Civil Suit. As per the provisions of Order XLVII, Rule 1 of the Code of Civil Procedure, a decision/judgement/order can be reviewed :

- (i) if it suffers from an error apparent on the face of the record; or
- (ii) is liable to be reviewed on account of discovery of any new material or evidence which was not within the knowledge of the party or could not be produced by him at the time the judgement was made, despite due diligence; or
- (iii) for any other sufficient reason construed to mean 'analogous reason'.

The case of the applicants does not fall in any of the aforesaid grounds. The Review Application is, therefore, dismissed by circulation.


(J.P. SHARMA)
MEMBER (J)


(P.C. JAIN)
MEMBER (A)