

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Date of Decision 4-10-87

Regn. No. RA 117 of 90 in OA 1565/87

Narinder Pal Singh

Applicant

Vs.

Union of India & Others

Respondents

Review Application No. 117 of 1990 in OA 1565 of 1987 has been filed by the applicant, Narinder Pal Singh, against the orders passed by this Tribunal on 9.7.90 in OA 1565/87. In the review application it has been stated that there are serious omissions and appreciation of facts and material on record that unless the orders passed by the Tribunal are reviewed, it would result in substantial miscarriage of justice. The main point raised by the applicant is that it escaped the notice of the Tribunal that the ACRs of the applicant for the period 1.4.81 to 30.11.81 were not furnished by his Department to the UPSC and non-appreciation of this ACR has affected his selection.

2. In the judgment, the averment of the applicant that his ACRs for the period 1.4.81 to 30.11.81 and 1.4.82 to 31.3.83 were not furnished by the Department to the UPSC was noticed. The respondents had stated that the dossiers of the successful candidates, including the applicant, were forwarded to the UPSC upto March 1982, but the main point was that the warning issued to the applicant on 27.8.82 was not taken into consideration as it was written after the ACR for the year 1981-82. The applicant had stated that the warning issued in 1982 was withdrawn in 1987 and as this warning was part of his dossier, he had been prejudiced in the evaluation by the UPSC. We did not find any evidence of this. The ACR of the applicant was also brought before us and based on that, we cannot say that the UPSC had not assessed him properly. In any case,

the Tribunal cannot be a substitute for the UPSC and we cannot go into the question as to what matters were taken into consideration by the UPSC in coming to a certain conclusion. The main case of the applicant was that the warning issued by the Superintending Engineer and subsequently withdrawn had resulted in his non-selection as Assistant Engineer. We do not find that any new and important matter has been brought to our notice in this review petition which was not argued at the time of hearing of the original application. Nor is there any glaring omission or patent mistake or like grave error on the face of record. In the circumstances, the review application is dismissed.

B.C. Mathur
(B.C. Mathur) 4.10.90
Vice-Chairman

I agree.

J.P. Sharma
(J.P. Sharma)
Member (J)