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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

R.A.No.143 of 1994

in

C.P.No.17 of 1994

O.A.No.834 of 1987.

New Delhi this ^{2nd} day of May, 1994.

CORAM:

Hon'ble Mr. Justice V.S. Malimath, Chairman.

Hon'ble Mr. S.R. Adige, Member(A)

Dr. Fareed Ali Shamsi,
s/o Late Mr. Mohd. Ishaq,
aged 46 years,
Research Assistant Bureau for Promotion of Urdu,
Ministry of Human Resource Development,
West Block-1,
R.K. Puram, New Delhi Applicant.

Versus

1. Shri S.V. Giri,
Secretary, Govt. of India,
Ministry of Human Resource Development,
C-Wing, Shastri Bhawan,
New Delhi.
2. Smt. Fahmeeda Begam,
Director, Bureau for Promotion of Urdu,
West Block-P, R.K. Puram,
New Delhi -66 Respondents.

By circulation:

ORDER

This is an application dated 21.4.94, filed by Dr. Fareed Ali Shamsi praying for review of the order dated 11.3.94 in C.P.No.17/94 'Dr. Fareed Ali Shamsi Vs. S.V. Giri, Secretary, Ministry of Human Resources Development and one other' arising out of O.A. No.834 of 1987.

2. Under Order 47 Rule 1CPC., a decision/judgment/order can be reviewed only if;
 - i) it suffers from an error apparent on the face of the record;
 - ✓ ii) new material or evidence is discovered which was not within the knowledge of the

parties or could not be produced by that party at the time the judgment was made, despite due diligence; or

iii) for any sufficient reason construed to mean analogous reasons.

3. A perusal of the review application makes it abundantly clear that the grounds taken therein do not bring it within the scope and ambit of Order 47 Rule 1 CPC as defined above. The only ground taken therein is that by O.M. dated 16.5.85 issued by the Department of Personnel and Administrative Reforms, the column relating to 'fitness for promotion' was deleted in C.R. Form for employees of the level of Assistant and below. The petitioner contends that the said circular was not available to him when he was arguing the contempt petition and thus he could not bring ^{it} to the notice of the Tribunal before it passed the impugned order dated 11.3.94. He states that as the authorities ^{had} no jurisdiction to mention that the petitioner was not fit for promotion, and the said column was filled contrary to the binding circular, the recommendations of the DPC were based upon extraneous materials and were, therefore, vitiated.

4. We are unable to accept this contention. We ourselves went through the confidential records of the petitioner which were placed before the DPC, as is clear from the impugned order, and concluded that the applicant's case for promotion had been duly considered by the DPC. The DPC on the basis of all ^{the} materials placed before it, had found that the petitioner was not fit and suitable for promotion, and this finding could not be faulted.

5. In result, this review application is rejected.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN.

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