

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
DELHI.

R.A. No.151/1989

in

O.A. No.1683/1987.

Shri V.P.Saini and Others .... Applicants.

Vs.

Union of India & Others ... Respondents.

This Review Application has been filed by Shri V.P. Saini, applicant No.1 in O.A. No.1683/87 against the order of this Tribunal passed on 3.7.1989. The Tribunal in its order had set aside the appointment orders dated 21.3.1987 and 29.10.1987 but directed the respondents 1,2 and 3 to treat the appointments of the respondents 4 to 9 as ad hoc and continue till the vacancies by Examinations in the years 1985, 1986, 1987 and 1988 are filled in. If they get selected, their services as Superintendents would be regularised but in case any one of them fails to qualify in the Examination, he would have to be reverted. Such a situation may not arise if he is selected in the  $66\frac{2}{3}\%$  quota of promotion on the basis of seniority/fitness. The Tribunal further directed the respondents 1,2 and 3 to hold Examinations for the vacancies to be filled for the years 1985, 1986, 1987 and 1988 separately after a gap of two months each beginning from August, 1989. All the eligible candidates who have completed three years service as Stenographers/ Assistants on 1st of January, 1985 would be eligible to sit in the Limited Departmental Competitive Examination

for the year 1985 and similarly for the years 1986, 1987 and 1988.

In the Review Application, the applicant has raised the point that by issuing the above directions to conduct the yearwise examination perhaps the intention of the Tribunal is that seniority to the selected candidates would be given to the year to which the vacancy relates but it may place the applicant in an adverse position even after qualifying such competition as he might not be considered for promotion to the next higher post for want of qualifying service in the cadre of Superintendent, despite his being senior in the cadre as his qualifying service would be counted from the date of his physically joining the post of Superintendent, and his juniors who have been appointed against 66 $\frac{2}{3}$  promotion quota during the years 1985 to 1988 would be considered and promoted since they have jointed the post of Superintendent earlier to him. Similarly, respondents 4 to 9 would be in a better position even after they qualify the competition for a later year. The relief sought by the applicant cannot be granted in a Review Application.

The power of review may be exercised on the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the person seeking review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent

on the face of the record is found. But there is no such reason for allowing the Review Application. The applicant has first to pass the qualifying departmental test and if he has any grievance about his seniority or further promotion, he could represent before the appropriate forum. As such, the Review Application is dismissed.

*B.C. Mathur*  
B.C. Mathur  
(B.C. MATHUR)  
VICE-CHAIRMAN (A)

*AB*  
AB  
(AMITAV BANERJI)  
CHAIRMAN