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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

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R.A. No. 137/1989
in
O.A. No. 1683/1987.


Shri V.P. Saini & Ors Vs. U.O.I. & Ors.

This Review Application has been filed by Shri K.K.Chakravarty, respondent No.5 in O.A. No.1683/1987 against the order passed by this Tribunal on 3.7.1989. Shri Chakravarty has stated that the respondent No.3 (Director, IARI) had neither revealed full facts of the case nor produced some important records before the Tribunal. According to him, in the 1984 Limited Departmental Examination, he had secured higher position than one Shri Shambhu Dutt, who was declared senior to him and presently working as Superintendent, Director's Office, IARI, New Delhi. When his representation was examined in ICAR, it was revealed in a Review D.P.C. that his position was actually higher in merit than the aforesaid Shri Shambhu Dutt who was promoted to the post of superintendent vide Office Order dated 22.3.1985. These facts were not brought before the Tribunal by respondents 2 and 3 in their counter affidavit with the result that while his appointment has been quashed by the Tribunal, the appointment of Shri Shambhu Dutt stands valid although he was lower in merit in 1984 examination. He could not avail of the next chance of taking the

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Departmental Examination as he was already appointed Superintendent prior to that date.

2. We have examined the review application. A review can be allowed only on the grounds that either there is error apparent on the face of record or error of law or some material fact having a bearing on the case was not within the knowledge of the applicant at the time when the case was heard and it came to his knowledge only subsequently. We note that the review applicant, for whatever reasons, although he had knowledge of the case in the Tribunal, did not bring out the facts mentioned in paragraph ¹ 2 before this Tribunal at the appropriate time. ^{It has not been explained why the review applicant who was a respondent in the O.A. did not bring out all the material facts which he has now stated in the review application at the time when the original application was heard. He cannot pass on the blame to other respondents and since he is not able to bring any new or important matter, which was not within his knowledge, we are unable to allow his review application as it would amount to rehearing of the case for which no reasons exist. In the circumstances, the review application is dismissed.}


(B.C. MATHUR) 29.10.90
VICE-CHAIRMAN


29.10.90
(AMITAV BANERJI)
CHAIRMAN