

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

Present: Hon'ble Mr. Justice V.S. Malimath ... Chairman
Hon'ble Mr. S. Gurusankaran ... Member(A)

REVIEW APPLICATION NO.185/1991

IN
O.A. NO.339/1987

Shri S.C. Khathuria Applicant

V/s.

Union of India & Anr. Respondents

This Review Application having come up for Orders by Circulation, Hon'ble Shri S. Gurusankaran, Member(A), made the following:

O R D E R

The Review Application filed by the applicant has been perused. The only grounds on which the applicant has sought for review of the judgement dated 11.9.1991 are as follows:- 1) After the pronouncement of the judgement on 11.9.1991, the applicant came to know that in a similar case in C.W. 252 of 1972, Shri A.S. Bhutani Vs. Union of India, the Hon'ble High Court of Delhi in a judgement dated 31.8.1981 (Annexure-R3) has allowed the writ petition and directed the respondents to redeploy the petitioner therein to the corresponding post. (2) The applicant has also come to know after 11.9.1991 that a Bench of this Tribunal has held in the case of Gautam C. Merhram Vs. Divisional Railway Manager, South Eastern Railway (1991 15 ATC 274) that wrongful denial of appointment gives rise to

a continuing cause of action.

2. In the judgement dated 11.9.1991 the Bench has dismissed the application on 2 main grounds, namely, (i) the application is hopelessly barred by limitation and (ii) there is nothing in the application to hold that the applicant was ever appointed in the cadre of Inspector (senior grade) to grant him the relief of seniority in that grade as claimed by him. The judgements quoted by the applicant do not help the case of the applicant in this review application. In Bhutani's case, the writ petitioner was very vigilant in approaching the Court of law in 1972 itself against his absorption on redeployment in a lower post. In the present case the applicant was appointed as Inspector (ordinary grade) in 1974 and he has filed this application only in 1987. Further, in the judgement the Bench had also referred to the case of A. Sagayanathan Vs. Divisional Personnel Officer (AIR 1991 SC 424) on which reliance was placed by the counsel of the applicant and rejected the contention stating that the mandate under Section 21 of the Act cannot be overlooked.

3. In view of the above, I find that in the Review Application the applicant has not brought out any error in the judgement apparent on the face of the records or any new material. In view of this, there is no merit in the Review Application and accordingly the same is dismissed.

I agree
Prakashan

Hon'ble Chairman.

S. Gurusankaran
23/12/1991
(S. GURUSANKARAN)
23.12.1991