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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI.

R.A.No. 200/93

in

O.A. 32/87

New Delhi this 31st May, 1994.

Union of India  
through  
General Manager,  
Baroda House,  
New Delhi

....Review -applicant.

By Advocate Shri R.L.Dhawan.

Versus

Shri Om Prakash Sharma,  
110/11, Thompson Road,  
Railway Colony,  
New Delhi

.....Respondent

(None for the respondent)

CORAM:

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

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

ORDER(ORAL)

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

This review application has been filed by the Union of India on 20.5.93, for review of the judgment dated 24.3.93 in O.A.No. 32/87 'Shri O.P. Sharma Vs. UOI & others'.

2. None appeared for the respondent Shri O.P. Sharma, although notice ordered to be issued to him on 22.4.94 has been returned served. Shri R.L.Dhawan for the applicant(UOI) was present and heard. The judgment dated 24.3.93 has been impugned on the ground that Shri O.P. Sharma has been directed to be considered for interpolation in the 1972-73 panel for Class II Railway Services in the same manner as Shri P.N. Soni and five others were interpolated. However, Shri Dhawan contends that those six officers

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were interpolated on the basis of their successful performance in the selection held in 1978-79 because they had not been called in the 1972-73 selection but Shri O.P.Sharma, after having been called in the 1972-73 selection, had failed to qualify and was , therefore, not eligible for interpolation. Hence Shri Dhawan urged that there is an error apparent on the face of record and the impugned judgment, should, therefore, be reviewed.

3. It is clear from a perusal of Paragraph 13 of the judgment dated 24.3.93, which contains the operative portion of the order, that the only direction issued to the respondents(UOI) is to consider the applicant's inclusion in the 1972-73 panel in the background of the Railway Board's instructions <sup>permitting</sup> / interpolation of six officers in the 1972-73 panel on the basis of their performance in the subsequent selection i.e. 1978-79, and subject to the applicant having cleared the written papers as well as the viva-voce test in 1975-76 or 1978-79 to avoid him being discriminated against . If upon the basis of such consideration, the respondents(UOI) by means of a speaking order are satisfied for good and sufficient reasons, that the applicant has not fulfilled the conditions referred to above, <sup>and</sup> or his case is not congruent/on all fours with the <sup>the</sup> mentioned cases of/six officers/above, it is manifest that no question of discrimination would arise.

4. Under the circumstances, our judgment dated 24.3.93 does not call for any review and this application is, therefore, rejected.

*Lakshmi Swaminathan*  
(LAKSHMI SWAMINATHAN)  
MEMBER(J)

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