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CENTRAL ADMINISTRATIVE TRIBUNAL.  
PRINCIPAL BENCH, NEW DELHI.

Date of Decision: 31.1.1989.

R.A. No. 5/89.

Shri Ved Prakash Vijh ... Applicant.

Vs.

Union of India & Ors.

Review Application No. 5/89 has been filed against the orders passed by this Tribunal in O.A. No. 479/88 rejecting the case of the applicant regarding crossing the Efficiency Bar. The applicant in the R.A. has pointed out some judgments including a judgment of the Supreme Court to the effect that adverse orders cannot be passed based on a confidential report against which a representation was pending at the appropriate time and had not been disposed of and that bald orders rejecting the representation against the adverse remarks could be construed that the concerned authority had not applied its mind and, therefore, the adverse remarks were not valid. The representation of the applicant against the adverse remarks had been rejected.

The confidential report file of the applicant was produced before the Tribunal and the court was satisfied that on the basis of the entries in the C.R., there was no reason to interfere with the orders passed stopping the E.B. of the applicant. The entries were the subjective judgment of the supervisory officer and it would not be necessary to substantiate the judgment by explaining how exactly the applicant was lacking in his efforts and could provide better supervision. In fact, the applicant had alleged bias on the part of Chief Engineer Shri Shankaran, posted at New Delhi. But the remarks were recorded by the Executive Engineer and reviewed by the Superintending Engineer, Allahabad. The theory of bias was, therefore, rejected.

The points raised in the Review Application were pointed out at the time of hearing of the Original Application. The review of a judgment is a serious step and can only be accepted if there is a glaring omission or a patent mistake which has crept in the earlier judgment. Since the entries in the C.R. were seen and accepted by the court and based on that, the orders were passed, there is no force in the Review Application which is rejected.

Parties may be informed accordingly.

*B.C. Mathur*  
(B.C. Mathur)  
Vice-Chairman.  
31.1.1989.