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**Central Administrative Tribunal
Principal Bench**

RA No.16/2005
In
OA No.595/1988
MA No.142/2005

New Delhi this the 27th day of March, 2006.

Hon'ble Mr. V.K. Majotra, Vice-Chairman (A)
Hon'ble Mr. Shanker Raju, Member (J)

Dharma Chand Paul,
S/o Shri Manghoo Ram,
R/o A-60, Dayanand Colony,
Lajpat Nagar-IV,
New Delhi-110024.

-Review Applicant

(By Advocate Shri Arun Bhardwaj)

-Versus-

1. Director of Admn.,
Directorate of Extension,
Ministry of Agriculture,
Krishi Vistar Bhawan,
New Delhi-110012.
2. Union of India,
through the Secretary,
Department of Agriculture &
Co-operative, Krishi Bhawan,
New Delhi.

-Respondents

(By Advocate Shri Amit Anand)

O R D E R (ORAL)

Mr. Shanker Raju, Hon'ble Member (J):

By virtue of this RA applicant has sought review of order passed by the Tribunal on 17.4.1990, wherein the request of the applicant for promotion to the post of Superintendent Grade-I was turned down. It was held in the order as transpired from the pleadings of respondents that two posts of Superintendent Grade-I were abolished on account of SIU study and for want

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of any post by Ministry of Finance applicant could not be promoted. Another OA No.3034/2002 filed by applicant seeking same directions of promotion as Superintendent Grade-I w.e.f. 1.1.1986 was turned down vide order dated 27.11.2002.


2. Learned counsel Shri Arun Bhardwaj has also filed MA seeking condonation of delay in filing the review application on the ground that one Mr.Bhalla in the year 2001 having been promoted to the post of Superintendent Grade-I. The contention put-forth by the respondents in 1990 as to rejection of cadre strength is found untruthful and this discovery was only made in 2001. The applicant who was sick having made a representation when it was turned down on 4.12.2003, is filing the present review application.

3. On the other hand respondents' counsel vehemently opposed the contention and stated that it is correct that two posts had been reduced but later on a post was created and at that time when the DPC met on 26.09.1988, applicant stood retired and hence Shri Bhalla who was in position was promoted.

4. We have carefully considered the rival contentions of the parties.

5. While delivering substantial justice the technical plea of limitation is to be given a go by and delay condoned when a substantial question of law in a review is raised. However, from the merit and the submissions made, we are of the considered view that neither any error is apparent on the face of record nor any discovery of new material, which would necessitate the re-opening of order, passed in 1990. Accordingly, this RA is dismissed as barred by limitation and MA where are grounds are not justifiable is also turned down.


(Shanker Raju)
Member (J)


(V.K. Majotra)
Vice Chairman (A)

cc.

27.3.06