

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

R.P.No.36/94 in
O.A.No.77/88.

Date of Order : 23rd March 1994

Shri L.H.Faruqi .. Applicant

Vs.

Union of India thro'
Chief Election Comm. .. Respondents

Counsel for the Applicant :: Shri V.K.Rao

Counsel for the Respondents ::

C O R A M:

Hon'ble Shri A.B.Gorthi : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

O r d e r

of the Division Bench delivered by Hon'ble Shri A.B.Gorthi
Member(A)]

(By circulation)

The Review Application is from the Applicant in O.A.No.77/88 seeking a reconsideration of our order in the said O.A. As the order was dated 20.5.93 and the Review Application was dated 12.7.93, it was accompanied by M.A.No.261/93 and 262/94 for condonation of delay.

2. The main issue raised in the Review Application is that the Respondents ought not to have clubbed the vacancies for 1983 and 1984 together for consideration by the D.P.C. This, in fact, was the main contention in the O.A. also. After examining the rival positions in this regard, we observed in para 7 of the judgement, as under: 

"In view of these facts, we are of the considered opinion that the DPC that was held, considered the case of the candidates for year 1983 and 1984 properly and even if there had been irregularity in clubbing the vacancies for 1983 and 1984, it is not of such a nature as would warrant our interference, primarily because, we are not satisfied as to how the applicant could have been aggrieved by it."

3. From the above it would be clear that we held firstly that the clubbing of the vacancies, in the given

(92)

13

V.G.

circumstances was proper. Secondly, we observed that even if there had been any irregularity, we were not satisfied as to how the Applicant could have been aggrieved by it. In the Review Application, the Applicant states that he was indeed aggrieved because his "chances of promotion would have been more". That was only presumptive. In deciding the O.A. we found that by clubbing the vacancies for 1983 and 1984, Respondent No.3, a Scheduled Caste candidate, got to be promoted, though junior to the Applicant and that in no way could have meant that the Applicant, who was at Sl.No.9 in the list of eligible candidates, would only have been selected otherwise.

4. In any case, the scope of review does not extend to raising fresh arguments over some of our observations in the judgement when no error apparent or otherwise is there.

5. The Review Application is thus dismissed. No useful purpose would be served by allowing the M.As which too are dismissed.

list for
(C.J. Roy)
Member (J).

Handwritten signature
(A.B.Gorthi)
Member (A).

Dated: 27/3/1994.

br.