

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

RA NO. 123/92-IN
OA NO. 1336/1988

DATE OF ORDER: 16.04.1992.

SHRI PRITAM SINGH

...APPLICANT

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:-

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

O R D E R

The Review Application has been filed on 17.3.92, seeking review of our judgement dated 30.1.92 in OA No. 1336/88 which was partly allowed. The main grounds for seeking the review are that:-

- i) the judgement of the Hon'ble Supreme Court in K.V. Jankiraman etc. etc. 1991 (3) JT SC 527 supports the case of the applicant;
- ii) the penalty of censure is no bar either for promotion or for confirmation;
- iii) the case of the Direct Recruit Class-II Engineering Officers' Association and Others Vs. State of Maharashtra JT 1990 (2) SC 264 and S.P. Patwardhan and Others Vs. State of Maharashtra & Others 1977 (3) SCR 775 affirms that once an incumbent is appointed to a post according to the Rule his seniority has to be reckoned from the date of appointment and not according to the date of his confirmation.

We have considered the matter carefully. The scope of the review lies in a very narrow compass, i.e., there should be an error apparent on the face of record or

18

some new evidence has come to the notice of the applicant which was not available to the review applicant even with exercise of due diligence. The present review application does not fall under the purview of the above provisions made in order XLVII of Code of Civil Procedure.

In the circumstances, the RA is dismissed by circulation.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

I. K. Rasgotra

(I.K. RASGOTRA)
MEMBER (A)

April 16, 1992.