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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 248/93 in
O.A. NO. 307/85

DECIDED ON : 24.8.1993.

U. C. Caloriya

... Petitioner

Vs.

Union of India & Ors.

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. B. N. DHUUNDIYAL, MEMBER (A)

O R D E R (By circulation)

This review application has been filed for recall of the judgment dated 3.6.1993 by this Tribunal whereby O.A. No. 307/93 was dismissed. The main grounds given in the review application are -- (a) that the material facts of the application have not been taken into consideration; (b) that the rules regarding promotion to the posts in Group 'C' & 'D', particularly for the Scheduled Castes and Scheduled Tribes, have not been correctly interpreted; (c) that though the name of the petitioner was shown at Sl. No. 41 in the eligibility list of the candidates, he was not given the appointment; and (d) that in the subsequent list published on 30.7.1987 no SC/ST candidate was included in the list of 33 eligible candidates. It has also been contended that the applicant did not get an opportunity to argue out his case before the Tribunal during the final hearing.

2. A perusal of paragraph 6 of the original application shows that the applicant has himself averred that his name has not been included in the two promotion panels for Store Keepers Grade-III. The main relief sought was for quashing these panels for Store Keepers Grade-III and preparation of fresh panels. Though later on with the amended list, a list of eligible candidates for promotion has been attached, it cannot be treated as a list of

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selected candidates who were found fit for promotion. A categorical statement has been made by the respondents in the counter that the departmental promotion committee considered the case of the applicant but he was not found fit for promotion. Even though the selection was on the basis of seniority-cum-merit, it was essential that the candidate met the minimum standard and was found fit for promotion. An eligibility list cannot be treated as a select panel.

3. As regards absence of representative of the applicant on the date of final hearing, it has to be noted that the case remained on daily board since 27.5.1993 till 3.6.1993, i.e., the date of final hearing. Thus, it cannot be said that the petitioner did not get an opportunity to defend his case. In his absence the records were perused and the case was disposed of on merits.

4. We hold that the judgment of this Tribunal dated 3.6.1993 does not suffer from any error apparent on the face of the judgment. The review application is accordingly rejected.

B. N. Dhondiyal
(B. N. Dhondiyal)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

as