

37

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

R.A.NO.230/1992  
IN OA No.355/89

DATE OF DECISION 2-7- 1992

Central Engg. Class-II Direct  
Recruits Association & Others

Versus

Union of India & Others

ORDER

(Delivered by Hon'ble Shri I.P. Gupta, Member (A))

This review petition has been filed by the petitioners/applicants in O.A.NO.355 of 1989 whose judgement was pronounced on 7-4-1992.

2. The applicants have sought the review on two grounds:

i) The amendment of Rules providing for relaxation provision under which the Central Government was empowered to relax, in consultation with UPSC, any of the provisions of R.R. has not been touched upon in the judgement.

and

ii) No direction has been given as to how seniority of the applicants be determined.

3. The attention is invited to para 11 of the judgement where mention was made about break down of quota rule and existence of relaxation provisions in the Recruitment Rules as brought out by the Learned Counsel for the applicant. However, in para 22 ~~is~~ below sub-para 8, it was observed by this Bench that distortions had no doubt developed in the quota rule

38

in the case under consideration, as observed in P.S. Mahal's case, but it could not be said that the performance of quota system had become impossible. It was further observed that the promotion of the applicants was made on ad hoc basis without prejudice to regular appointments on the basis of seniority list when finalised. It could not therefore be said that promotions were made after following the procedure prescribed by the Rules. In these situations, the relaxation provision provided in the Recruitment Rule could not be relevant, keeping in view the various pronouncements of the Hon'ble Supreme Court mentioned in the judgement.

4. Further, it was mentioned in para 17 of the judgement that the provisional seniority list of 23-7-1984 was not a settled one. The O.A. had requested for quashing the seniority list of 23-7-84. The list showed that it was circulated for general information and for inviting objections by 23-8-84. Therefore, it was observed in para 17 of the judgement that it would not be proper to say at this stage whether the impugned seniority list of 23-7-1984 should be quashed or not. However, the subsequent paragraphs went on to say that since the question of misinterpretation or correct interpretation of the judgement of the Supreme Court in the case of P.S. Mahal has been raised by the learned Counsels for the applicant and for the respondents and since the judgement was referred to in the seniority list of 23-7-84, the Bench made some observations

in consideration of various pronouncements of the Hon'ble Supreme Court in the cases relating to Rota and quota for facilitating the determination of the seniority by the respondents.

5. In the above view of the matter, the case does not merit any review. It is settled that the provisions relating to power to review constitute an exception to the general rule that when once the judgement is signed and pronounced, it cannot afterwards be altered or added to and hence the right to review is exercisable only when the circumstances are distinctly governed by statutory exceptions. It is also settled that if the error is not apparent <sup>face</sup> on the basis of the record, then in its absence, the judgement cannot be reviewed.

6. In the circumstances, the review petition is dismissed.

Ishwar

(I.P. GUPTA)

21/1/92

For consideration.

I agree, Ram Pal Singh  
21/1/92

Hon'ble Mrs. Justice Ram Pal Singh  
Vice-Chairman (J)