

20

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO.229 of 1992
In O.A. No.1382 of 1989

DATE OF ORDER 2-7--1992

Shri S.L. Dutt

versus

Union of India & Others

ORDER

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

This review petition has been filed by the petitioner / applicant in OA No.1382 of 1989 whose judgment was pronounced on 15-5-1992.

2. The grounds covered in the review application are generally repetitions of grounds covered in the O.A. and the arguments in the course of hearing.

3. It has already been mentioned in the judgement that the assessments of A.C.Rs of all Officers upto 1986 were done uniformly in two batches on two occasions. This cannot be said to be a case of discrimination.

4. Regarding the assessment of merit of the applicant vis-a-vis other eligible officers together, it may be pointed out that since the number of officers to be considered is large, the procedure adopted under the Senior Staffing Scheme was that ACRs were assessed by a Screening Committee comprising four Secretaries to Government of India. Each Secretary, gave his own overall grading in respect of each officer under consi-

deration on perusal of A.C.Rs. All these were tabulated. The tabulated statement showed the assessment of each Secretary. The statement was considered by the Civil Services Board. The applicant's A.C.Rs ranged from average to good in the tabular statement, whereas the others who were selected either in the batch of 23 or in that of 6 had either very good or outstanding reports according to the assessment of various Secretaries to the Government of India. The applicant was not found suitable even on review in September/October, 1987. These observations have already been made in para 8 of the judgement.

5. Promotion to a higher grade is not a matter of right. The applicant has a right to be considered for promotion and he was so considered. Consideration in two batches did not affect his interests. None junior to him with assessed grading similar to his or inferior to his was selected in either batch. The Bench cannot substitute its assessment regarding the grading of the Officer for the assessment of the appropriate executive authority by going through the ACRs of selected or non-selected persons more so when in our opinion, there is no malafide or arbitrariness in this case to warrant interference.

6. 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,

23

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 on the ^{face}~~basis~~ of the record, then in its absence, ~~in~~ the judgement cannot be reviewed.

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

I.P. Gupta
(I.P. GUPTA)
MEMBER (A) 2/7/92

For consideration.

I agree, Lambh
2.7.92

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