

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A.No. 362/93 .. Date of decision 21.10.93.
in
O.A.No. 917/89

SHRI O.P. MITTO

Vs.

UNION OF INDIA & OTHERS

ORDER

This Review Application has been filed seeking review of the judgement dated 19th August, 1993 in O.A.No. 917/89. We have seen the Review Application and we are satisfied that the review application can be disposed of by circulation under Rule 17(iii) of the CAT(Procedure) Rules, 1987 and we proceed to do so.

2. The applicant has sought review of the judgement on the following grounds:-

- (i) The applicant was not promoted to PW I grade II because/Departmental enquiry was pending (Annexure-A 9). As the Departmental enquiry ended in 'censure', this could not be a ground for not granting promotion. This was argued but there is no consideration.
- (ii) The appeal filed by the applicant against adverse CR entries was pending & yet the adverse entry has been acted upon to withhold promotion.

MSB

3. We have considered these submissions.

4. Annexure A-9 is only the conclusion of respondent No.3. In the reply to Annexure A-9 letter, there is no mention that he was not promoted because of the Departmental enquiry or the punishment of censure.

5. Respondents have clearly stated in para 5 of their reply that the applicant was informed of the reasons why he was considered unsuitable for promotion vide the Annexure R-1 letter dated 3-10-88. He was informed that it is because of the adverse reports of 1979-80 and 1980-81 that he was not considered fit for promotion in 1982. We have referred this in para 12 of our judgement.

6. Hence, the question of considering the issue whether he could be denied promotion on the basis of only the punishment of censure did not arise and was not discussed.

7. As regards the appeal regarding the adverse entries, we have considered this fully in para 12 of our judgement.

8. Therefore there is no error apparent on the basis of record to justify a review.

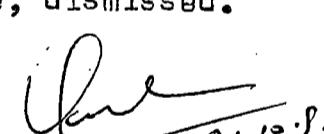
9. The scope of the Review Application is very limited. Review Application is maintainable only if there is an error apparent on the face of the record or

some new evidence has come to notice which was not available even after exercise of due diligence or for any other sufficient reason. The review application cannot be utilized for rearguing the case traversing the same ground. It is well settled principle that review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or grave error has crept in earlier by judicial fallibility.

10. A perusal of the Review Application makes it clear that none of the ingredients referred to above, made have been ~~out~~ to warrant a review of the aforesaid judgement.

11. In view of the above facts and circumstances, we do not see any merit in the Review Application. The Review Application is, therefore, dismissed.


(B.S. HEGDE)
MEMBER (J)


21.10.83
(N.V. KRISHNAN)
VICE-CHAIRMAN (A)