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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA. 378 OF 1994

IN

DN 1453/89

New Delhi this the 7th day of December 1994
Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. S.R. Adige, Member (A)

Shri D.N. Pandit
s/o Shri J.R. Pandit
r/o BA/31, WEA Pusa Road,
New Delhi
last employed as Asstt. Director of Inspection
in the office of the Director General, Supply
& Disposals, New Delhi.

.....Applicant

(Through Shri S.C. Anand, advocate)

Versus

Union of India through

1. The Addl. Secretary to the Govt.
of India, Dept. of Supply
New Delhi.
2. The Director General
Supply & Disposals
New Delhi.

(Through Shri V.S.R. Krishna, advocate)

J U D G E M E N T (By Circulation)

Hon'ble Mr. S.R. Adige, Member (A)

This is an RA bearing No. 378/94 filed by UOI on 2.11.94,
praying for review of the judgement dated 29.4.94 in DA No.
1453/89 - Shri D.N. Pandit Vs. UOI & ors.

2. A petition for condonation of delay has been filed, in
which it is stated that the impugned judgement required detailed
examination of records dating back from 1979 onwards and the
Tribunal's judgement dated 27.2.87 in the case of Shri R.P.
Seghal V. UOI & others was also required to be examined. The

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said documents were not readily available and had to be collected from various sources including Central Record Room, and the process of examination took considerable time leading to delay in filing the RA. The grounds appear reasonable and the delay is condoned.

3. The only ground taken in the RA is that in the impugned judgement, the respondents (applicant in the present RA) had been directed to hold a DPC meeting to consider the applicant's promotion to the post of Deputy Director, and if found fit, to promote him to that post, when his immediate junior was so promoted following this Tribunal's judgement in Seghal's case dated 18.1.90 OA 1272/88 R.P. Seghal Vs. UOI & Ors. The review applicant contends that Shri Seghal became eligible for promotion to the post of Deputy Director by the DPC which met on 22.12.84, as he was in service on that date, while Shri D.N. Pandit had superannuated on 29.2.84 and therefore he was not in government service for consideration by DPC which met on 22.12.84. Thus as Shri D.N. Pandit was not eligible for consideration by DPC on the relevant date, there is no scope for review of his case by holding a review DPC.

4. The Tribunal was well aware that Shri Pandit had superannuated on 29.2.84 as this fact has been mentioned in the impugned judgement itself. His claim was that with fixation of seniority vide impugned order dated 16.6.88, he became senior to Shri A.K. Satwah and Shri V.K. Sridhar and Shri P.K. Mishra, all of whom were promoted as Deputy Director in 1977-80 but the applicant was not considered for promotion, because he had superannuated on 29.2.84 whereas the panel for promotion to the post of Deputy Director was prepared by DPC at its meeting held on 22.12.84. Merely because Shri Seghal was in service on that date and while the applicant had superannuated, it does not mean that the applicant's case for consideration ^{could} ~~was~~ be.

disregarded particularly when his juniors were promoted as far back as 1979-80. In any case, this ground does not bring the review application within the scope and ambit of order 47 rule 1 of CPC under which alone any judgement of the Tribunal can be reviewed.

5. Under the circumstances, this Review Application is rejected.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)