

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA 104/91 in OA 1046/89

DATED: AUGUST 20, 1991

SHRI B.M. KHANNA

... APPLICANT

VS

UNION OF INDIA

... RESPONDENT

ORDER

The applicant, Shri B.M.Khanna has filed the review application against the judgement dated 5-4-1991.

2. The judgment can be reviewed only when there is an error apparent on the face of the record or some material evidence on record has remained unnoticed or there is discovery of any new material or evidence which was not in the knowledge of the party or could not be produced by him at the time the judgement was made despite due diligence, or for any other sufficient reason construed to mean "analogous reason".
3. In the instant review application the applicant has desired that a review D.P.C. should have been ordered for filling of the vacant posts from the date these posts became available. In this context, it may be stated that although a direction has been issued to the respondents to hold the D.P.C. within six months from the date of the order i.e. 5-4-1991, the petitioner having already retired on 31-3-1991, has not been able to derive benefit thereof in the circumstances of the case and this cannot be remedied. All other points taken by the learned counsel in para 3 to 9 of the R.A. have been fully discussed in detail in the judgement in paras 6&7. The last sentence of para 6 of the judgment i.e. "A direction in this regard, therefore, as per own showing of the respondents can be issued to them" is being interpreted by the learned counsel of the applicant that the respondents should have been directed to convene the review D.P.C. This observation was

made only with regard to the right of the applicant to be considered for promotion if he was otherwise eligible, when a D.P.C. was held in due course, and such a direction in fact given to the respondents. However, since the applicant has already retired, he obviously cannot be considered for the post of Head Clerk even in the ensuing D.P.C. There being no case for review of the judgment, the review application deserves to be dismissed.

4. In view of the above, the review application is held to be devoid of merit and the same is accordingly dismissed.
(By circulation).

Signature.

20.8.91

(J.P. SHARMA)
MEMBER (J)

20.8.91
(P.C. JAIN)
MEMBER (A)