

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

RA No.49/93

IN

OA No.2338/89

Date of decision:23.2.93

Smt.R.N.Massey

...

Applicant

versus

Union of India & Ors....

Respondents

CORAM:-THE HON'BLE SH.P.K.KARTHA, VICE-CHAIRMAN(J)
THE HON'BLE SH.B.N.DHOUNDIYAL, MEMBER(A)

ORDER

(Passed by Hon'ble Sh.B.N.Dhoundiyal, Member(A)
in circulation)

This Review Application has been filed by Smt.R.N.Massey, applicant in OA No.2338/89 seeking recalling of the judgement of this Bench of the Tribunal dated 24.7.92. In the aforementioned OA, the applicant had challenged her non promotion to the post of Assistant Matron as also the selection of one Shri H.R.Sharma, who according to her was not qualified. In the aforementioned judgement, the Tribunal had held that the respondents did not make any mistake as regards the qualifications possessed by Shri H.R.Sharma for the post of Assistant Matron and in any case as the applicant had been placed at S.No.3 in the panel, she would not be entitled to any relief and in case Shri Sharma is regarded as disqualified, the benefit would go to Smt.R.J.Masih, who was at S.No.2 of the panel. The Tribunal also felt that it could not sit in judgement over the assessment made by a duly constituted selection committee. It was also noted that no malafides had been alleged against the selection committee.

2. The Review Application has been filed on the ground that in para 4.9 of the Original

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Application charges of malafide behaviour had been alleged and it was mentioned that the respondents are indulging in malpractices showing undue favour to Respondent No.4, mostly at the instance of Respondent No.3. Her case is entirely centered around the fact that she possessed higher qualifications and seniority and that the Tribunal has not appreciated the fact that Respondent No.4, Shri Sharma has not fulfilled the essential qualifications prescribed in the circular. She has also mentioned that her past service with Government of U.P. has now been taken into account and consequently she has become the senior-most Staff Nurse.

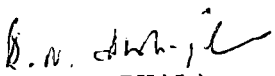
3. Though the judgement of this Tribunal was delivered on 24.7.92, the present RA has been filed on 8.1.93. Even if the delay is condoned, the Review Application is liable to be rejected on merits. The applicant had appeared a number of times for selection to this post, according to her own admission and had not been selected. The comparative seniority vis-a-vis others ^{by} of the applicant would not matter much as regards the ranking given to them by the selection committee. Her seniority was revised in 1992 for pension purposes while the interviews were held sometimes in 1989. We have already held after perusal of the proceedings of the selection committee that the qualifications of the person selected had been rightly accepted by the selection committee. We, therefore, find no reason to recall our earlier judgement as there is no error of law apparent on the face of the judgement. In case, the applicant is aggrieved,

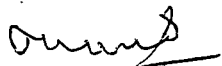
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she may file an appeal in the Supreme Court
in accordance with law and if so advised.

4. The RA is accordingly dismissed.


(B.N. DHOUNDIYAL)
MEMBER(A)


(P.K. KARTHA)
VICE-CHAIRMAN(J)