

74

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

D.O.D S-10-1990

Regn. No. R.A. No. 129/90 in OA 1812/89

Miss V.G. Bhooma Vs.

Applicant

Union of India & Others Respondents

Review Application No. 129/90 has been filed by the applicant, Miss V.G. Bhooma, for review of the judgment dated 20th August, 1990 passed by this Tribunal in OA 1812/89 on the grounds that the classification of Civil Services as Group 'A', Group 'B', Group 'C' and Group 'D' under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 has not been done properly as recruitment to many services is done on the basis of examination done through the Civil Services Examination in some cases while in the case of other services it is not through the same examination. The case of the applicant is that all Central Services Group 'A' do not stand on equal footing as observed in the judgment. It has been stated /that while members of the two All India Services, namely, the Indian Police Service and the Indian Forest Service are allowed to better their prospects in their career by competing for any of the Group 'A' services, whereas persons in one group 'A' Service are not allowed to better their prospects by competing for another Group 'A' Service and as such there is an apparent error of law on the face of record. It has been prayed that pending final decision on the review application, the operation of the judgment in the batch of cases entitled Alok Kumar Vs. Union of India be stayed vis-a-vis the applicant and the respondents may be directed to allow the applicant to continue in Indian Customs and Central Excise Service.

2. The applicant was appointed to the Indian Railway Personnel Service Group 'A' on the basis of the Civil Services Examination 1987. She had been allowed to take the Civil Services Examination 1988 provisionally. She had already taken the Civil Services Examination 1988 by the time she was allocated to the Indian Railway Personnel Service Group 'A' on the basis of the C.S.E. 1987, but vide letter dated 21.4.89, she was allowed to abstain from training for IRPS and join alongwith the next batch. She was, however, not allowed to join the Group 'A' Service on the basis of the 1988 Civil Services Examination, but on her approaching the Tribunal, interim orders were passed on 25.9.89 directing the respondents to consider the case of the appointment of the applicant in accordance with the rank obtained by her in the 1988 Civil Services Examination. On the basis of the interim order, she was allowed to join the probationary training of the Indian Customs and Central Excise Service which training she is now undergoing at the National Academy of Customs & Central Excise and has completed a substantial part of the training for the above service. However, in its judgment of the 20th August, 1990, the tribunal ^{up} held the validity of Rule 17 of the Civil Services Examination Rules and based on this judgment, the respondents are now going to send the applicant to the Indian Railway Personnel Service offered to her on the basis of 1987 Civil Services Examination.

3. We have examined the review application carefully. A direction had been given that all those candidates who had been allocated to any of the Central Services Group 'A' or IPS and who had appeared in the Central Services Examination of 1988 or 1989 under the interim orders of the Tribunal and are within the permissible age limit and have successsed have to be given the benefit of the success subject to the provisions of Rule 17 of the C.S.E. Rules. The Tribunal has held very clearly that the 2nd proviso to Rule 4 of the C.S.E. Rules

as well as the provisions of Rule 17 of the above Rules are valid. Since the applicant has already been allocated the Indian Railway Personnel Service, which is a Group 'A' Service, she cannot evidently be appointed to another Group 'A' Service on the basis of the 1988 Civil Services Examination. She would have certainly been allowed to join the IPS but that could not be done as she was not found medically fit for that Service. The Tribunal had made an exception in the case of only those officers who had been permitted to take the examination by interim orders to better their chances which in the case of Group 'A' Services could only be I.A.S., Indian Foreign Service and I.P.S.

4. The argument regarding the classification of Group 'A' Services and the question of treating them alike has been argued at length and taken note of by the Tribunal in deciding the batch of cases in the orders passed in OA 206/89 - Alok Kumar Vs. Union of India and Sixty One other connected applications. No new point has been brought in which was not already discussed at the time of the hearing of the various original applications. Justice Krishna Iyer in Chandra Kant Vs. Sheikh Habib - AIR 1975 SC 1500 - has observed:

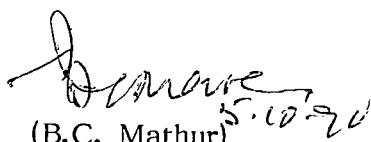
"The review of a judgment is a serious step and reluctant resort to it is proper only where the glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility."

5. We do not find that there is any apparent error on the face of the records or discovery of any new matter which could not be produced by the applicant at the time when the case was heard. We also do not find that any grave injustice is being done to the applicant as she continues to be an officer of the Central Services Group 'A', namely, the Indian Railway Personnel Service which cannot by any standards be considered

P.M.



inferior to Indian Customs & Central Excise Service. In the circumstances, the review application is rejected.


(B.C. Mathur)
Vice-Chairman


(Amitav Banerji)
Chairman