

27

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...


R.A. No.26 of 1995

in

O.A. No.367 of 1990

Dated New Delhi, this 2nd day of February, 1995

Hon'ble Shri J. P. Sharma, Member(J)
Hon'ble Shri B. K. Singh, Member(A)

1. Manjit Suri
H-74 Lajpat Nagar-I
New Delhi-24.
 2. Kuldeep Dayal
L-20 DIZ Area
Sector-IV
New Delhi.
 3. S. P. Dewatt
9/12-B, MIG D.D.A. Flats
Kalkaji Extension
New Delhi-110019
 4. Sheela Sehajwani
D-28, East of Kailash
New Delhi.
 5. Surinder Kaur
A-42, Vishnu Garden
New Delhi-110018.
- 

Contd....2

6. PREM PURI
970, Sector VII,
M.B. Road, Saket,
New Delhi.
7. NIRMAL DARGAN
23, Gulmohar Enclave,
New Delhi - 110049.
8. SYED GHYASUDDIN
2249, Naya Mohalla,
Gali Qasimjan Ballimaran,
Delhi - 110006.
9. G.S. GANDHI
KG-1/300, Vikas Puri,
New Delhi.
10. V.P. SARDHANA
35/3, Old Rajinder Nagar,
New Delhi.
11. INDER KAUR KOCHHAR
DL/96, Janak Puri,
New Delhi - 110068. ... APPLICANTS

(By Shri B.B. Raval, Advocate)

(This Review Application is being filed
by Applicant Nos. 3, 4 and 8 only).

V E R S U S

1. UNION OF INDIA
Through the Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
- B

2. Directorate General of Works,
Government of India,
Central Public Works Department,
Nirman Bhawan, New Delhi.
3. Shri S.P. Deshpandey
4. Shri S.P. Sahane
5. Shri T.C. Verma
6. Shri H.S. Chagga
7. Shri V.V. Limaye
8. Shri W.Y. Joshi
9. Shri G.S. Monga
10. Surinder Kumar
11. Shri Iqbal Singh
12. Smt. A.G. Juvekar,
13. Shri N.P. Choudhry ... RESPONDENTS

JUDGEMENT (BY CIRCULATION)

Shri B. K. Singh, M(A)

This R.A.26/95 in O.A. No.367/90 has been filed
against the judgement and order dated 17.11.94.

B

Contd...2

2. The applicants who had joined as Architectural Assistant, are aggrieved by an order by which their designation from Architectural Assistant to Assistant (Arch. Department) has been changed. With the passing of the Architect Act, 1972 it was made unlawful for any person to designate himself as 'Architect' unless he has the requisite qualifications and experience and is registered under the Act and this Act created a corporate body by the name of "Council of Architecture" vesting it with the requisite powers for the registration of Architects in the Council and enrolment of persons initially holding a degree or diploma in Architecture recognised by the Central Government or possessing other qualifications prescribed by the Central Government or persons who were engaged in practice as Architects and recognised as such by the Council before the commencement of the proposed Architect Act, 1972. In pursuance of the Act, recruitment rules were framed and notified. The diploma holders now designated as Assistant (Arch. Department) and graduates/ those registered with the Council were designated as Architectural Assistant. Bifurcation and separation of cadre was a direct result of the Act which was passed by both the houses of Parliament and which received the presidential assent on 31.5.72 and was published in the Gazette of India, December 15, 1979.

Contd...5

35/

3. After hearing the contentions of the rival parties, we did not find ^{that} any of the rights and perks of the applicants had been either taken away or curtailed. It is another matter that after the bifurcation of cadre there was stagnation in their promotion prospects. The Architect Act, 1972 necessitated the necessary changes in the style and function of the Architects and necessitated the bifurcation of the two cadres. The applicants belong to the cadre of Assistant (Arch. Department) and there were others known as Architectural Assistant. The application was dismissed on grounds of merits and also on grounds of delay and laches.

4. This R.A. has been filed on 9.1.94 when a copy of the judgement was issued to them on 30.11.94. Thus, technically it is time barred like the previous O.A. which was hit by delay and laches.

5. Apart from this, a review lies only when there is an error legal or factual apparent on the face of the record without needing any effort on the part of the Review Applicant to establish the same. In spite of their best effort, they have not been able to show any error apparent on the face of the record. The so-called juniors had the requisite qualifications and got themselves enrolled whereas the Review Applicants were indolent and they never got themselves enrolled with the Council of Architecture and as such they have not been allowed to have the title of Architectural Assistant as per the provisions of Architect Act, 1972. Thus, there is no error apparent on the face of the record and the judgement and

Contd...6

32

order in O.A.367/90 dated 17.11.94 is absolutely in tune with the provisions of the Act and in line with the recruitment rules.

6. The second ground on which a review can lie is discovery of a new fact or piece of evidence which inspite of due diligence was not within the knowledge of the review applicant and could not be produced at the time of hearing or when the order was made. The review applicants have not been able to produce any document containing a new piece of evidence or an important matter or evidence which can change the complexion of the judgement and order delivered on 17.11.94 in O.A.367/90

7. The third ground for a review is any other sufficient or reasonable cause analogous to what has been mentioned in the above two grounds. We do not find any substantial or reasonable cause warranting a review of the judgement dated 17.11.94. and order / A Review Application cannot be entertained for a fresh hearing or for advancement of new arguments. The scope of the Tribunal in regard to review is limited. The Tribunal is not vested with ^{any} inherent power of review. It exercises the power of review under provisons of Order 47 Rule 1 read with Section 114 of the CPC. Since this R.A. does not fall within the four corners of Order 47 Rule 1, this is summarily rejected under Order 47 Rule 4(1) of the CPC.

(B. K. Singh)
Member(A)

(J. P. Sharma)
Member(J)

dbc