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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. No. 37 of 1991 in
O.A. No. 2457/90.

Decided on 15.3.1991

Kirpal SinghPetitioner.
Vs.
Union of India & Ors.Respondents.

B.S. SEKHON:

Applicant (Petitioner herein) seeks review of our judgment dated 10.1.1991 rendered in O.A. 2457/90 - Kirpal Singh Vs. Union of India & Another. According to the Petitioner the judgement suffers from error apparent on the face of order and that there was also discovery of new matter not known to the Tribunal at the time of the oral hearing. It has been averred in the Petition that subsequent to the selection of five candidates out of 3800 applicants who had been screened by the Selection Committee; there was the sixth vacancy which was being kept vacant and unfilled under the interim order of the Tribunal and that who had been identified as an eligible candidate for the S.T. post was being actively considered for it; and Applicant's candidature was duly considered by the Selection Committee.

2. Perusal of paragraphs 8 to 11 of the judgment reveals that the grounds for which the Application had been rejected were:-

- i) The plea of discrimination and favouritism raised by the Applicant was unsustainable.
- ii) The fundamental right is only of consideration and there is no fundamental right to be appointed in favour of a member of the backward classes for whom reservation in the public services has been made.

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- iii) The alleged ground of infraction of principles of natural justice is baseless.
- iv) The plea of the Applicant that he must be appointed prior to resorting to recruitment by advertisement as he was working in the Ministry is misconceived.
- v) Applicant's case does not fall within the purview of Annexure R/C.

3. The point relating to the number of vacancies being 5 or 6 is of little consequence in view of the reasons forming the basis of the judgment dated 10.1.1991. The aforesaid ground as also the ground of discovery of the 6th vacancy would not lead to modification or reversal of the judgment. Only discovery of such evidence material as could not be discovered despite exercise of due diligence and would also justify modification or reversal of the judgment sought to be reviewed; would be a ground for review. Such is not the case here.

4. In the premises, the Review Application merits rejection and the same is hereby rejected by circulation.

Clean
15/3/1991
(P.C. JAIN)
ADMINISTRATIVE MEMBER

B.S. Sekhon
(B.S. SEKHON)
VICE CHAIRMAN

15-3-91

MSR