

1/3/91

Date	Office Report	Orders
		<p><u>R.A.No.72/91 in O.A.No.1907/90.</u> Shri Parveen Kumar Vs. Union of India & Ors.</p>
		<p><u>R.A.No.73/91 in O.A.No.1904/90.</u> Shri Raj Kumar Vs. Union of India & Ors.</p>
		<p>1. The abovenoted Review Petitions have been filed by the applicants Shri Parveen Kumar and Shri Raj Kumar in the above O.As. decided by a common judgement on 14-2-1991.</p>
		<p>2. Both the R.As. are taken together, as the same grounds have been taken, against the common judgement by the applicants of both the applications OA 1907/90 & OA 1904/90.</p>
		<p>3. The grievance of the applicants in the abovenoted applications is common one that although the juniors to the applicants, even those who have not been regularised as Class-IV employees, are still working as Class-III yet the applicants have been picked-up for reversion in illegal manner.</p>
		<p>4. Both the Applications were dismissed as devoid of merit by the aforesaid order dated 14-2-91. The first ground taken by the applicants in both the R.As. is that para 59(I) of the judgement given by the Full Bench in Jethanand case has not been taken into account. In fact, the relief claimed by the applicants in the O.As. was that the applicants cannot be reverted from <u>ad hoc</u> promotion of Material Checking Clerk. In the context of the present case it did not justify that the direction be issued to the respondents to allow the applicants to appear in the suitability test. In both the Review Petitions on the last page 9 in</p>

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		<p>para 2 under Heading I it is admitted by the Petitioners that the regular selection has still to be held for the Material Checking Clerk. Thus the Tribunal has verywell considered the ratio of the judgement of Jethanand case.</p> <p>5. The other point taken under Heading II is that an <u>ad hoc</u> promotion does not confer any right of seniority. This fact is not in dispute. The list (Annexure A-6) shows the <u>working</u> persons Material Checking Clerk and the applicants are much junior in the same list. Only that fact has been considered in the right perspective by the Tribunal.</p> <p>6. Under Heading III, IV & V there is clear observation in para 8 that the applicants did not challenge their position in the list of Class-IV (Annexure A-6) when the cause of action arose to them on the promotion of alleged juniors to them even on <u>ad hoc</u> basis as Material Checking Clerk. This needs no further elucidation.</p> <p>7. The points raised in para 9 in Head VI & VII are fully covered in the judgement and elaborate reasons had already been given on the points raised during the course of the arguments in O.A. Now fresh points cannot be brought in.</p> <p>8. We do not find any error factual or legal apparent on the face of the judgement or any such omission in the judgement or non-consideration of any evidence available on record to justify review under the provisions of order 47C.P.C.</p> <p style="text-align: right;">S.</p>

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		<p>9. We find no force in the R.A.s. and they are dismissed by circulation leaving the parties to bear their own costs. A copy be kept in each file.</p> <p><i>Sharma</i> (J.P. SHARMA) 1/5/91 MEMBER (J)</p> <p><i>C. Jain</i> 1/5/91 (P.C. JAIN) MEMBER (A)</p>