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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA.No.123/95
in
OA.No.1099/90

Dated New Delhi, this 4th day of March, 1997.

**HON'BLE MR K. MUTHUKUMAR, MEMBER (A)
HON'BLE DR A. VEDAVALLI, MEMBER (J)**

1. The Administrator/Lt. Governor
Union Territory of Delhi
Raj Niwas
NEW DELHI-110 054.
2. The Director
Technical Education
Delhi Administration
Dayal Singh Library Building
Deen Dayal Upadhyay Marg
NEW DELHI-110 001. ... Review Applicants

By Advocate: Shri Arun Bhardwaj

versus

**S. L. Gupta
S/o Shri Devi Sahai
R/o of 1/1 Arya Bhat Enclave
Ashok Vihar, Phase-III
DELHI-110052.** ... Respondent/
Original Applicant.
By Advocate: Shri G. D. Gupta

O R D E R (Oral)

Mr K. Muthukumar, M(A)

This Review Application filed by the respondents in the OA.1099/90 seeks to review the order passed in the aforesaid OA on 11.11.94. The short point made out in the RA is that the order of the Tribunal is erroneous to the extent that it was observed in paragraphs 9&11 thereof that the selection body/DPC must have looked into the ACRs of the applicant atleast for a period earlier to 1975 and in view of this any of the adverse remarks in the year 1971 and 1973 must have also been

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considered by the said selection body/DPC and those remarks were not found of such a nature as to withhold the regularisation of the applicant on the post of Lecturer in the scale of 700-1300. When the selection body had done so the applicant had reached ~~at~~ the stage of EB at Rs.900 and, therefore, the DPC which was held in 1976 should not have ignored this particular aspect and taken a decision of deferring the consideration of EB for a year.

2. In the RA it has been stated that the applicant was selected for regularisation as a direct recruit and, therefore, at the time of his regularisation, the CRs must have been considered by the UPSC although the applicant was working as adhoc Lecturer prior to his selection. The learned counsel for the respondent in the RA has filed certain affidavit. It is seen that the Department of Personnel and Training Memorandum dated 7.6.88 (Annexure-A to the affidavit) specifies that in cases where the UPSC considers employees of the department also at the time of selection even as a direct recruit, the UPSC will consider the CR dossiers to the extent they are available before making their final recommendations. The Memorandum is only of 1988. There was no specific bar for the department through which the applicant must have applied for ~~these~~ post, to have sent CRs also for consideration. Therefore, we do not find any error

in the observations made in the order of the Tribunal and we do not find any error apparent on the face of record also. In the facts and circumstances, we do not find any merit in the RA. The RA is rejected.

A. Vedavalli
(Dr A. Vedavalli)
Member (J)

K. Muthukumar
(K. Muthukumar)
Member (A)

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