

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

9.6.93

Sh.D.K.Malhotra & ors. Petitioners

versus

Union of India & ors. Respondents

CORAM: THE HON'BLE SH.P.C.JAIN, VICE-CHAIRMAN(A)
THE HON'BLE SH.J.P.SHARMA, MEMBER(A)

ORDER

(BY HON'BLE SH.J.P.SHARMA, MEMBER(J) IN CIRCULATION)

The Review Petitioners seek review of the judgement dated 4.2.93 by which OA No.848/90 was dismissed as devoid of merit.

2. In the OA, the applicants had prayed for quashing of the seniority list issued on 12.4.90 and also that the applicants be given the benefit of promotions in the post of TCI Grade II from the date from which their juniors were promoted. It was also prayed that the respondents should hold selection for the post of TCI Grade I after revising the seniority list as per law declared by the Hon'ble Supreme Court in the case of Y.V.Rangia.

3. The petitioners have also moved MP No.1375/93 for condoning the delay in filing the RA in view of the fact that the RA had been filed on 30.4.93 beyond the prescribed period of 30 days.

4. We have considered the Misc. Petition and there is no reason to disbelieve the affidavit filed by the applicants in support of the averments made in condoning the delay. The delay in filing the RA is, therefore, condoned.

5. The grounds taken in the RA for review of the judgement do not fall within the purview of Order 47 Rule 1 CPC. There is no error apparent on the face of the judgement and the applicants have only in the garb of grounds for review stated fresh arguments. It has been considered in the judgement that the vacancies existing prior to 1.9.84 are to be filled in accordance with the combined seniority list and not in accordance with the Divisional seniority but the applicants have never assailed that within the time. The applicants should not have reopened the stale matter when the promotion has already been accepted by them. The contention of the applicants that the seniority list dated 20.2.87 is the seniority list issued by the Dy.C.S.T.E. (Microwave) but was not known to the applicants that some of their colleagues were working in several other Divisions and they want at this late stage to assert that they were juniors to the applicants. This point has been fully discussed in the judgement and the conclusion had been drawn on the basis of the averments in the pleadings and arguments advanced by the parties. The rival contentions of the parties have been fully considered.

6. The Review Petitioners have also referred to the fact of admission by the respondents in Para 4.20 of the OA that after decentralisation no seniority list was issued by the Headquarter office. The fact still remains that the promotions were being made in the respective Divisions on the basis of the seniority and the applicants have never challenged the same except in this belated OA filed after their promotion and

when the selection for the post of TCI Grade I had been notified.

7. We find no good ground to review the judgement nor there is any error apparent on the face of the judgement. The RA is, therefore, dismissed by circulation.

J.P.Sharma
(J.P.SHARMA)
MEMBER(J) 9-6-93

(P.C.Jain)
(P.C.JAIN)
VICE-CHAIRMAN