

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. DR. JOSE P. VERGHESE, VICE-CHAIRMAN (J)
HON. SHRI R.K. AHOOJA, MEMBER (A)

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R.A. NO.107/1997 (OA NO.2313/91)

NEW DELHI, THIS 13th DAY OF MAY, 1997.

SHRI Z.D. WANKHEDE
S/o Sh. D.S. Wankhede
C-302 Delhi Admn. Flats
Timarpur
DELHI

...Review Applicant

VERSUS

1. Delhi Administration, Delhi
through its Chief Secretary
5 Shamnath Marg
DELHI-54
2. Development Commissioner
Delhi Administration
5/9 Under Hill Road
Civil Lines
DELHI
3. Deputy Conservator of Forests
Delhi Administration
Kamla Nehru Ridge
DELHI-7
4. Union of India, through
Secretary
Ministry of Environment & Forests
NEW DELHI

...RESPONDENTS'

ORDER (BY CIRCULATION)

R.K. AHOOJA, MEMBER (A)

The petitioner in this R.A. seeks a review of the decision of this Tribunal in O.A. No.2313/1991 dated 19.3.1997. The plea of the petitioner is that during the course of arguments an observation was made by the Bench that respondents should be directed to keep the applicant on the Forest side, with further directions that if the applicant had chances of promotion

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on Forest side, he would be promoted in accordance with rules. On that understanding, the ld. counsel for the applicant did not argue the case further, being satisfied with that observation. On the other hand, the final order made no mention of this observation of the Bench. Further more, the petitioner submits, there are certain patent errors of fact which have crept in the impugned order when a conclusion has been recorded that no bifurcation has taken place as yet between the Agriculture and the Forest side in the Development Department of NCT Delhi. He also points out that though reference has been made to the post of Forest Officer, this post in fact no longer exists, having been abolished in 1987.

2. We have carefully considered the grounds adduced by the petitioner, but find no merit whatsoever, ^{there is} Even if any observation was made during the course of the arguments, it could at best be regarded as a suggestion put forth to the counsel and not as a conclusion. In fact, the operative part of the order requires the respondents to review the case of posting of the applicant and in case they do not find it possible to restore him to the office of Deputy Conservator of Forests, to pass a reasoned and speaking order stating the reasons for such a diversion. The Tribunal has also expressed its opinion in the impugned order that it is for the Executive to decide as to whether the post of Soil Conservation Officer should be upgraded to the level of Deputy Conservator of Forests or not. If the applicant is not satisfied with this conclusion, it is open to him to challenge the same before an appellate forum.

3. The petitioner has also tried to go over the grounds which have been covered during the pleadings and ~~the arguments~~ that the Agriculture and the Forest side have been bifurcated.

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The Tribunal came to a different conclusion. Obviously, if the case of the applicant has not met with approval, his remedy lies not through a review but through an appeal since the power of review cannot be exercised on the ground that the decision was erroneous on merits.

4. Since we could not find any error of fact or law patent on the face of record, no review of the impugned order is called for. The R.A. is accordingly dismissed.


(R.K. AHOOJA)
MEMBER (A)


(DR. JOSE P. VERGHESE)
VICE-CHAIRMAN (J)

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