

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,  
NEW DELHI.

R.A.No.359 of 1993

in  
M.A.No.2595/91.  
O.A.No.1933/91

New Delhi this 13th May, 1994.

CORAM:

Hon'ble Mr. J.P. Sharma, Member(J)

Hon'ble Mr. S.R. Adige, Member(A)

Shri Digar Singh,  
s/o Late Shri Sher Singh, working as Peon,  
Receipt & Despatch Section, M/O Finance,  
Deptt. of Expenditure,  
Room No.29, North Block,  
New Delhi

By Advocate Shri S.C. Luthra ..... Applicant

Versus

1. Union of India through  
the Secretary,  
Ministry of Finance,  
Department of Economic Affairs,  
North Block, New Delhi
2. The Secretary,  
Department of Expenditure,  
M/O Finance, North Block,  
New Delhi
3. Shri R.R. Jha,  
under Secretary,  
M/Finance, Deptt. of Economic Affairs,  
North Block,  
New Delhi

By Advocate Shri P.H. Ranchandani

..... Respondents

ORDER

By Hon'ble Mr. S.R. Adige, Member(A)

In this R.A. the applicant Shri Digar Singh has prayed for review of this Tribunal's order dated 9.3.92 in M.P.No.2595/91 in O.A.No.1933/91 'Shri Digar Singh Vs. Union of India'. M.A.No.1057 of 1994 has also been filed praying for production

of an attested copy of the ITI Wireman Trade Certificate possessed by Shri Shiv Kumar and also an affidavit as to how the respondents computed the five years' experience in the case of Shri Shiv Kumar.

2. The impugned judgment had discussed the applicant's grievance owing to his non-appointment to the post of Electrician in the Department of Economic Affairs. It is stated that the post was to be filled by direct recruitment vide Circular dated 16.12.87 and after consideration of the candidates by a Selection Committee, one Shri Shiv Kumar, respondent no. 4 was selected and appointed to that post on 6.3.89. It was further noted that the applicant was selected by the Selection Committee. Apart from holding that Shri Digar Singh's application was barred by limitation, it was also held that even on merit, the applicant's case could not succeed, because at best he could assert a right to consider for appointment which consideration had been given. He had no right for selection.

3. Under Order 47 Rule 1 CPC., a decision/judgment/order can be reviewed only if;

- i) it suffers from an error apparent on the face of the record;
- ii) new material or evidence is discovered which was not within the knowledge of the parties or could not be produced by that party at the time the judgment was made, despite due diligence; or
- iii) for any sufficient reason construed to mean analogous reasons.

4. None of the grounds taken in this review application, bring it within the scope and ambit of Order 47 Rule 1 CPC. The allegation that Shri Shiv

Kumar was neither a departmental candidate nor the nominee of the Employment Exchange and was ineligible for appointment, or that the applicant was better qualified for the job, does not bring it within the four corners of Order 47 Rule 1 CPC as defined above.

5. In the result, this review application fails and is rejected.

*S.R. Adige*  
(S.R. ADIGE)  
MEMBER (A)

*J.P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)

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