

29

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA No.41/2007
In
OA No.1037/2004

New Delhi this the 10th day of May, 2007

Hon'ble Mr. Mukesh Kumar Gupta, Member (J)
Hon'ble Mr. N.D.Dayal, Member (A)

1. Shri Sushil Kumar s/o Shri V.P.Gupta
R/o N-6/1, M.S.Flats,
Sector-13, R.K.Puram,
New Delhi 110066
And working as Industrial Adviser under Respondent No.1.
2. Shri C.M.P.Sinha S/o Late Shri D.P.Sinha
C-701, Neelanchal Apartments Sector 4 Plot No.3
Dwarka New Delhi-110075
3. Shri V.K.Jain S/o Shri Deep Chand Jain
B-1/118, 1Ind Floor Paschim Vihar
New Delhi-110063
4. Shri Shiv Kumar Bharij S/o Shri J.N.Bharij
85, SFS Munirka Enclave, New Delhi-110063

-Applicants

(Applicants 1 & 3 in person)

Versus

1. Union of India through
Secretary Department of Industrial Policy and Promotion
Ministry of Commerce and Industry
Udyog Bhavan
New Delhi
2. Chairman
Union Public Service Commission,
Dholpur House,
Shahjahan Road,
New Delhi.

-Respondents

O R D E R (Oral)

Hon'ble Mr. Mukesh Kumar Gupta, Member (J)

Applicants, S/Shri Sushil Kumar & V.K.Jain, who appeared in person, filed the present RA seeking review and recall of the order-dated 31.8.2006 passed in OA No.1037/2004, vide which said OA had been dismissed. It is contended that they were entitled to be considered for promotion from the dates their juniors were holding the regular posts of Industrial Adviser/Additional Industrial Adviser. It is further contended

10

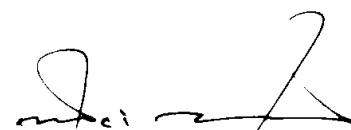
that there is an error on the face of the record in Para 4 of the order because Shri H.S.Dubey, junior to applicant no.2, was in fact, not promoted as IA (Engg.) by the review DPC held on 11.01.1994. It is further contended that Shri H.S.Dubey was transferred to Department of Telecommunications along with the regular post of IA (Engg.). Furthermore the question of limitation had been settled at the time of admission of the OA.

2. We have heard applicants in person & perused the order dated 31.8.2006 as well as present RA carefully.

3. A careful perusal of the order dated 26.04.2004 reveals that it was the first order available in OA No.1037/2004, vide which notice was issued to respondents in the said OA. Said order further shows that question of limitation had neither been raised nor settled by the Tribunal. In the circumstances, contention raised that question of limitation had already been settled, is found to be devoid of any merit. The contention regarding Sh. H.S. Dubey had been specifically answered by the respondents vide para-4.12 wherein it has been stated that his transfer was beyond the purview of the said OA as this issue had been categorically decided in OA No.818/1987. In the rejoinder filed thereto, these aspects were not refuted. Shri H.S. Dubey was not a party nor his promotion was challenged in the said proceedings i.e. OA No.1037/2004. We, therefore, find that applicants are basically rearguing the matter, which is impermissible, within the limited scope of Order 47, Rule 1, CPC. No specific error apparent on face of record has been pointed out even during the course of hearing. As such we hold that there being no error apparent on the face of the record, RA is dismissed.



(N.D.Dayal)
Member (A)
/jk/



(Mukesh Kumar Gupta)
Member (J)