RA 95/2005
HA 813/2005
In
OA 1788/2004

New Delhi, this the 26 /day of April, 2005

Hon'ble Mr. Justice V.S.Aggarwal, Chairman
Hon'ble Mr. S. A. Singh, Member (A)

Balwan Singh, working as Warder
Roll No. 320, Central Jail Tihar,
New Delhi - 64.   ...Review Applicant

-versus-

Govt. of NCT of Delhi through

1.   Its Principal Secretary (Home),
      Delhi Sectt., I.P. Estate,
      New Delhi - 110 002.

2.   The Director General,
      Prisons Headquarters,
      Near Lajwanti Garden Chowk,
      New Delhi - 64.   ...Respondents

O R D E R (By Circulation)

Justice V.S. Aggarwal, Chairman:-

The applicant had filed the Original Application for declaration that his assessment as `Average' cannot be taken to make him unfit and he should be so promoted. On 10.2.2005, the Original Application was dismissed.
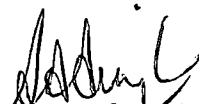
2.   Along with the R.A., a petition has been filed seeking condonation of delay contending that file

had been given to the counsel and it was returned only on 1.4.2005, when new counsel was engaged.

3. On the face of it, the said contention must fail because the applicant pleads that he was not satisfied with his earlier counsel and otherwise also no action has been taken if there is a delay on the part of the counsel against him. There is no just and sufficient ground to condone the delay.

4. Be that as it may, even on merits of the matter, we find that there is no error apparent on the face of the record. The applicant filed the petition contending that the plea raised was that he was entitled to promotion as per the recruitment rules. However, it was unfortunate that correct recruitment rules had not been brought to the notice of the Tribunal. It was a selection post as per the amendment that has been effected. Thus, the applicant could not be promoted and his juniors scored march over him. We find that there is no error apparent on the face of the record. Review Application, therefore, must fail and is dismissed in circulation.

(S.A.Singh)   (V.S.Aggarwal)
Member (A)   Chairman

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