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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

RA No.165/2004 in OA No.1189/2004

New Delhi, this the 13th day of July, 2004

Hon'ble Shri S.K. Naik, Member(A)

Smt. Gopa Chatterjee

.. Applicant

versus

Union of India and others

.. Respondents

(Shri B.S. Jain, Advocate)

ORDER(in circulation)


Review application has been filed on behalf of Union of India on 24.6.2004 against the order dated 14.05.2003 by which OA 1189/2004 was disposed of with the direction to the respondents to get the posting order of the applicant therein implemented within a period of one month. Review is sought on the plea that there appears some apparent mistakes of facts and law on the face of judgment inasmuch as it has been observed by the Tribunal in para 2 in the order that circular dated 9.12.99 clearly states that employees posted in 'tenure circle' will be entitled to be posted at a station of their choice on completion of such tenure' whereas the correct wordings of the circular reads as under:

The officers posted in these Circles will have fixed tenure of 2 years and on completion of the prescribed tenure, they shall be eligible for posting at the circle of their choice subject to availability of vacancies and administrative convenience.

2 I am afraid the aforesaid observation is not going to make any difference in the conclusion arrived while disposing the OA, particularly when the fact remains that

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even after a lapse of one year from the date of order i.e. 12.5.2003 the applicant was not relieved to join at Kolkata. especially when the applicant had already completed the period of tenure at Patna and no condition whatsoever was prescribed in the policy to await posting of a substitute before relieving. Therefore, I am not inclined to agree with the respondents that there are mistakes apparent on the face of record. In the result, the RA has no legs to stand and is accordingly rejected.

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(S.K. Naik)
Member(A)

/gtv/