

Central Administrative Tribunal  
Principal Bench: New Delhi

(21)

R.A. No. 38/1994  
in  
O.A. No. 802/92

New Delhi this the 23rd Day of September 1994

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

Hon'ble Shri B.K. Sharma, Member (A)

Union of India through  
General Manager,  
Northern Railway,  
New Delhi.

.... Applicant

vs.

Nand Lal Mahar,  
S/o Shri Manshi Ram,  
Booking Clerk,  
Kaithal.

.... Respondents

O R D E R

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

Union of India through General Manager filed this Review Application against the Judgement dated 30.8.1993. M.A. 279/94 is also filed by the Review Applicant for condoning the delay. MA 289/94 has also been filed for exemption from filing certified copy of the judgement.

2. On notice the ~~respondents~~ opposed the application for condonation of delay on the ground that the delay has not been satisfactorily explained.

3. We have heard the counsel of the parties. There has been only two days delay in filing the application and in the circumstances of the case where the official screening is pre-requisite for filing review, the delay cannot be said to be deliberate or that

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it has not been explained. Both the MA 279/94 and 280/94 are allowed.

4. Coming to the merit of the case we do not find any ground which could show that there is any error apparent on the face of the judgement. The case has been decided on the ratio of the case of Full Bench of Jethanand as subsequently reviewed by the Full Bench and has been referred to in the Judgement. The learned counsel for the Review Petitioner argued only on the merits of empanelment beyond the number of vacancies and their subsequent adjustment in the future vacancies in view of the fact that the panel was prepared only for the notified vacancies which were at the time of section. The direction in the Judgement is that the applicant should be spared from further selection but they will get the benefit of that selection on the basis of their seniority. The judgement does not say that any available future vacancies ignoring the claim of empanelment persons be given to the applicant. The Judgement only says that they have not to qualify in the selection which was purely a qualifying one and not based on drawing a list of selected candidates on merit. The Judgement is quite apparent and clear and there is no apparent error on the face of the judgement. The Review Application, therefore, has no merit and is dismissed as said above. No order as to costs.

  
(B.R. Singh)  
Member (A)

  
(J.P. Sharma)  
Member (J)

\*Mittal\*