

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

R.A. No.146/93 in

Date of Order: 25-5-93

R.A.No. 85/93 in

O.A.No.2660/92

Sh. Kuldeep Singh

.....

Petitioner

versus

C.S.I.R. & Anr.

.....

Respondents

Coram:-

The Hon`ble Mr. Justice V.S. Malimath, Chairman

The Hon`ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : Sh. Mukesh Gupta, counsel

For the respondents : Sh. H.C. Gupta, counsel

The applicnt seeks review of the order passed by this Tribunal while disposing of the earlier review application filed by C.S.I.R. in O.A. No.2660/93.

Vide their judgement dated 22.1.1993 in the main O.A., another Bench of this Tribunal of which one of us (Sh. B.N. Dhoundiyal) was a member, directed the respondents to consider the appointment of the applicant as Section Officer(F&A) on ad hoc basis if any vacancy in the post of

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Section Officer occurs till he attains the age of superannuation. This direction was subject to the condition that no person junior to him is available for such ad hoc promotion.

The following clarification was given by this Bench of the Tribunal vide their order dated 26.3.1993 in R.A.No.85/93 filed by C.S.I.R.:-

" In this context the direction must be understood as requiring the petitioner to be promoted on ad hoc basis if the vacancy exists and if he is found to be the seniormost available person in the feeder cadre on the basis of his seniority reckoned on All India basis as per the rules prevailing in this behalf."

The review has been sought on the ground that the Tribunal has gone beyond the pleadings of the case and contentions raised in the main O.A. and that the above observations have seriously prejudiced his case for promotion.

In the reply filed on behalf of the respondents in O.A.No. 2660/92, it was stated that in accordance with the Rules, appointments to the post of S.O.(F&A) are to be made on the basis of All India Seniority and not on the basis of local seniority (Page 3). Though some discrepancies in

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the list were pointed out by the applicant in his rejoinder, he did not challenge the above averment of the respondents. These pleadings were taken into account by the Tribunal while passing orders dated 26.3.1993 in R.A.No.85/93. Thus there is no error apparent on the face of the record. It is also not permissible to file R.A. against an order passed in another R.A. Hence this review application is liable to the rejected. We order accordingly.

B.N. Dhoundiyal
(B.N. Dhoundiyal)

Member(A)

V.S. Malimath
(V.S. Malimath)

Chairman