

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(15)

RA No.273/92 in
OA 494/92

Date of decision: 14.08.1992.

Shri J.P. Jain

...Petitioner

Versus

Union of India

...Respondents

Counsel:-

The Hon'ble Mr. T.S. Oberoi, Judicial Member
The Hon'ble Mr. I.K. Rasgotra, Administrative Member

O R D E R

This review application has been filed by the petitioner, praying for review of our judgement in OA-494/92 dated 20.05.1992 on the ground that paragraph 2(iv) of O.M. No.22011/2/86-Estt.(A) dated 12.01.1986 has been deleted by the Department of Personnel vide their OM dated 31.7.1991. Consequently, it is contended that it was incumbent on the respondents to have opened the sealed cover, containing the recommendations of the DPC and promote the petitioner, if the DPC had found him fit or suitable for promotion. The petitioner further states that he had relied upon the Department of Personnel OM, referred to above in paragraph 4.8, page 11 of the Original Application and paragraph 4.6 of the rejoinder filed by him in the main case. He, therefore, says that the Tribunal had committed an error or mistake apparent on the face of record and, therefore, the petitioner's case falls within the ambit of the well settled principles of law requiring review of the judgement in such cases.

2. We have gone through our judgement dated 20.05.1992 carefully in the context of the submissions made by the petitioner in the review application. The petitioner himself in paragraph 4.8 of the O.A. had admitted that the Department of Personnel memorandum

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dated 31.7.1991, deleting paragraph 2(iv) of OM dated 12.1.1988 is a necessary fall out from the Hon'ble Supreme Court judgement in Union of India Vs. K.V. Jankiraman & Others JT 1991 (3) SC 527. The judgement clearly says that the principles of law laid down by the Hon'ble Supreme Court in K.V. Jankiraman(supra) case have been kept by us in view and it is, therefore, clear that we have not been oblivious of the said memoranda dated 12.1.1988 and 31.7.1991, as appears to have been assumed by the petitioner. There is thus, to our mind, no ambiguity about the reasoning given in the judgement, in not granting the relief, prayed for by the petitioner.

3. Having regard to the above facts and circumstances of the case, we are of the view that this Review Application is devoid of merit and the same is rejected by circulation in terms of Rule 17 (iii) of Central Administrative Tribunal (Procedure) Rules, 1987.

Abhay
(I.K. Raigotra)
Member(4)

T.S. Oberoi
(T.S. Oberoi)
Member(3)

August 14, 1992.

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