

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Review Petition No. 28 of 1997

In re.

Original Application No. 756 of 1995.

this the 6th day of July'2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Union of India & others ... Applicants.

By Advocate : Sri V. Gulati.

Versus.

Dhanraj ... Respondent.

By Advocate : Sri R.P. Singh.

ORDER (ORAL)

S. DAYAL, MEMBER (A)

This Review petition has been filed for review of the order passed by this Tribunal in O.A. no. 756 of 1995 dated 18.12.1996. The ground on which the review is sought is that the Department through the Standing Counsel appearing for the Union of India produced the entire record of the case before the Bench, and the Bench perused the same. It is also stated that the letter no. B-3/Hinauta/95-96 dated 5.6.95 issued by the SSP, Allahabad was given to the Bench Secretary, which categorically states that out of eight candidates, who applied for the post of EDBPM, one was Sheoraj. The said candidate was not considered as he was already working on the post of EDDA, Hinauta, although he possessed the maximum marks and also belongs to SC category. It is claimed that an inadvertent error in the judgment which

proceeds on the basis that no material was produced before the Bench to show that Sheoraj applied in response to open advertisement, but was not considered due to the fact that he was already working as EDDA/EDMC, Hinauta. It is prayed that para 8 of the judgment be amended to bring-out the above facts.

2. We find from the O.A. that the applicant, respondent in the review, had filed O.A. for setting-aside the order dated 12/20-7-95 by which SSPO, Allahabad Division issued a notice to Sri Dhanraj, EDBPM that his services shall stand terminated on the expiry of a period of one month from the date of service of the notice. The learned counsel for the applicants has shown that all through the contentions of the respondents that Sri Sheoraj was a candidate for selection to the post of EDBPM and was most deserving candidate. Hence, the conclusion drawn by the Division Bench in para 8 of the judgment is contrary to the pleadings. The learned counsel for the applicants, ^{in the review and} respondents in the O.A., states that there is an error apparent on the face of the record.

3. We find that the learned counsel for the applicants in the review is challenging the final order on merit. The purpose of review is to correct the errors which are apparent on the face of the record, but the Bench under the garb cannot interfere with the findings of a co-ordinate Bench in the review. Challenge to a case can only be made in the appropriate judicial forum in the form of appeal or under writ jurisdiction.

4. The learned counsel for the applicants in the review further states that the record had actually been

produced. In this connection, he shows a copy of the letter dated 5.6.95 issued by the SSPO, Allahabad to Post Master General, Allahabad, a copy of which has been tagged to the ordersheet dated 6.11.1996.

5. We find from the ordersheet dated 6.11.1996 that the respondents were directed to make available the records pertaining to the appointment and cancellation of appointment, which would be returned after the judgment was reserved.

6. The observation in para 8 of the judgment is that the learned counsel for the respondents in the O.A. were directed to produce for our perusal records pertaining to the appointment of the applicant at the time of hearing of the case on 6.11.1996. However, despite waiting for one month, these records were not made available. The Bench further observed that we cannot, therefore, conclude on the basis of the averments made on record that the applicant's appointment suffered from any patent irregularity. It is inconceivable that a Bench which have ^{shown} ~~seen~~ the record pertaining to the appointment and cancellation of the applicant on the date of hearing could give direction on the same date for production of the records. It is not the case of the learned counsel for the applicants in the review that the said records were subsequently produced within a month before the Bench. Therefore, we do not consider that any ^{change} ~~change~~ is warranted in the remarks regarding non-production of records.

7. We do not consider that any particular harm was caused of the final order to the respondents because the Bench had observed in the concluding para that ^{they} ~~we~~ also grant liberty to the respondents to conduct selection for that post afresh by considering the candidature of Sri Sheoraj, alongwith other including the applicant, if Sri Shhoraj had applied

for the post in response to open advertisement and if considering the relative merits of all the candidates Sri Sheo Raj is found to be a candidate of better merit than the applicant, he shall be appointed on that post after terminating the services of the applicant in the prescribed manner."

8. Therefore, we are of the considered view that the learned counsel for the applicants in the review has not been able to make-out any case to review of the final order. The Review petition stands dismissed.

Ran. Joddu
MEMBER (J)

Hand
MEMBER (A)

GIRISH/-