

Central Administrative Tribunal, Allahabad Bench

This the 1<sup>st</sup> day of <sup>26 March</sup> February, 2001

Review Application No.1 of 2001

On behalf of

1. Union of India, through the Director Postal Services, Gorakhpur Region, Gorakhpur-273008.
2. Sr. Supdt. of Post Offices, Gorakhpur Division, Gorakhpur-273001. - Respondents no 1 & 2

(in O.A.No.1164 of 1993)

Smt.Asha Singh, wife of Sri Chandresh Singh, R/o Village & Post Office Rithuakhore, District Gorakhpur - Applicant

Versus

1. Union of India, through the Director Postal Services, Gorakhpur Region, Gorakhpur-273008.
2. Sr. Supdt. of Post Offices, Gorakhpur Division, Gorakhpur-273001.
3. Sri Atri Muni Singh, B.P.M., Rithuakhore via Sahjanawa, District Gorakhpur. - Respondents

O R D E R (in circulation)

By V.K.Majotra, Member(Admnv) -

O.A.1164 of 1993 challenging letter dated 2.2.1992 issued by respondent no.2 appointing Atri Muni Singh as Extra Departmental Branch Post Master, Rithuakhore and alleging that the applicant's appeal dated 16.3.1992 had not been decided by the respondents, was allowed on 7.12.2000 on merits as follows:-

"9. Having regard to reasons stated above the applicant has established her superior merit than respondent No.3 and all other candidates for appointment as E.D.B.P.M., Rithuakhore in response to notification dt. 07.03.91. In the interest of justice here is a case warranting intervention by the Tribunal. The appointment Dt. 20.02.92 of Atri Muni Singh, E.D.D.A. Rithuakhore is set aside and respondent No.1 and 2 are directed to appoint the applicant as E.D.B.P.M. Rithuakhore forthwith. For the purpose of seniority she will be notionally appointed with effect from the date respondent No.3 was appointed as E.D.B.P.M., Rithuakhore. However, she will not be entitled for any back wages".

The respondents 1 & 2 have through the present application sought review of aforesaid order dated 7.12.2000. In para 2 of the Review Application the

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respondents have contended that "while reserving the judgment the Bench has directed the counsel for official respondents to produce the record pertaining to the enquiry conducted in the matter of the applicant till 1.12.2000". They have further stated that they have produced the said record in the Court on 1.12.2000 which is still with the Court. In fact, on perusal of the orders passed on 24.11.2000, we find that the Tribunal had directed the respondents to "submit official records relating to the selection in question before 1st December, 2000". A copy of the order dated 24.11.2000 was also directed to be given to the official respondents by the office. After waiting for the official records relating to the selection in question up to 6.12.2000, when the respondents did not produce the said record, the order was pronounced on 7.12.2000 in the open Court. The contention of the review-applicants is not acceptable as they had not produced the relevant records as directed vide Court order dated 24.11.2000 even up to 6.12.2000. In addition, the order dated 7.12.2000 was passed on merits after considering available pleadings and arguments advanced on both sides. Further the review applicants have not pointed out any apparent error on the face of record warranting review of our order dated 7.12.2000.

2. Having regard to the above reasons, no good ground having been made out by the review-applicants, the review application is dismissed in circulation.

Rafiq Uddin  
(Rafiq Uddin)  
Member (J)

V.K.Majotra  
(V.K.Majotra)  
Member (Admnv)