

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 28th day of August, 2001

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC  
Hon'ble Mr. S. Dayal, A.M.

REVIEW APPLICATION NO.44 OF 2001

In

ORIGINAL APPLICATION NO. 679 OF 1995

K. D. Dwivedi,  
s/o late Sri Ram Adhar Dwivedi,  
r/o 9, H.I.G. Rasoolabad,  
Allahabad.

. . . . Applicant

(By Advocate: Sri H.S. Srivastava)

Versus

1. Union of India, through Secretary,  
Department of Atomic Energy,  
Anu Shakti Bhawan,  
C. S. Marg, Bombay- 400 039.
2. Director,  
Centre for Advance Technology,  
Department of Atomic Energy,  
Post CAT, Indore (MP)-452 013.

. . . . Respondents

O R D E R

(By Hon'ble Mr. S. Dayal, AM)

This review petition filed under Section 22(3) Central  
(f) of the Administrative (Tribunals) Act, 1985 read  
with Rule 17 of the Central Administrative Tribunal  
(Procedure) Rules, 1987, seeks review of order dated  
20.3.2001 in OA 679 of 1995 and recalling the same in  
order to hear the matter afresh.

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2. The copies of the order dated 20.3.2001 seem to have been prepared on 3.4.2001 and given to the parties thereafter. The review petition has been filed on 3.5.2001. Therefore, we proceed to consider the review petition on merits.

The applicant has contended that the judgment of Apex Court in Union of India and another Vs. R. Swaminathan, AIR 1997 SC, 3554 is applicable only to ad hoc promotion made within the same circle and not to ad hoc promotions made within the same unit for a period of 180 days while in the case of the applicant, ~~one~~ ad hoc promotion <sup>were given to junior</sup> from 2.7.76 to 25.4.78, 16.8.84 to 26.12.85 and 22.8.86 to 6.6.88. It has also been contended that instructions issued by Department of Personnel and Training dated 4.11.93 cannot be applied retrospectively in this case.

3. We have considered the contentions and find that paragraphs 2 and 7 give the background of this case. We also find that the claim of the applicant based on the order in N. Mallikarjun Rao Vs. General Manager, South Central Railway and another (1993) 24 ATC, 297 was examined in the light of the judgment of the Apex Court in the case of Union of India Vs. R. Swaminathan (supra). There is no reference to the order of Department of Personnel & Training through Office Memorandum dated 4.11.93 is not referred to in our order, which only refers to Ministry of Finance O.M. No.F.2(78)-E dated 4.2.66. We find that the issues raised in this application are one which will not come within the purview of review.

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4. We, therefore, find no merit in the review application and dismiss the same with no order as to costs.

*S. Dayal*  
(S. DAYAL)  
MEMBER (A)

*R.R.K. Trivedi*  
(R.R.K. TRIVEDI)  
VICE- CHAIRMAN

Nath/