

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 16th DAY OF NOVEMBER 2009)

PRESENT :

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J
HON'BLE MR. S. N. SHUKLA, MEMBER-A**

**REVIEW APPLICATION NO.54 of 2005
IN
ORIGINAL APPLICATION NO.607 OF 2005
(U/s,19 Administrative Tribunal Act.1985)**

K.C. Srivastava, aged about 63 years, Son of Late Maha Narain Srivastava, Residing at 180 L/K-1 Rajrooppur. Allahabad.

..... Applicant

By Advocate : Shri A.B.L. Srivastava

Versus

1. Union of India through the Secretary, Government of India, Department of Post-cum Director General Post, Ministry of Communication Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, U.P. Circle, Lucknow.
3. The Senior Superintendent Post Office, Allahabad Division, Allahabad.

..... Respondents

By Advocate : Shri Himanshu Singh

ORDER

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

1. Heard Shri A.B.L. Srivastava, learned counsel for the applicant at length and Shri Himanshu Singh, Standing Counsel Union of India. Perused the Review Application.
2. Learned counsel for the applicant submitted that order impugned in Review dated 30.05.2005 in OA No.607 of 2005- Krishna Chandra Srivastava Versus Union of India and Others,

(Signature)

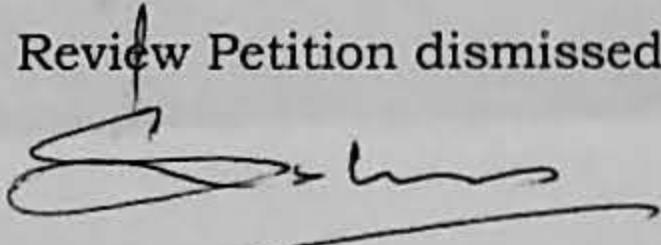
contains error apparent on the face of record in view of the fact that in para 3 of the OA it is stated that proposition of law and that the discrimination caused between the similarly situated persons is violative of Article 14 and 16 and that the respondents could not deprive the applicant of the relief being extended on the ground of limitation, if he was similarly situated as other persons as that of the applicant particularly when his junior Lalu Lal Gupta was promoted in HSG-I grade w.e.f. 17.05.1996. Learned counsel for the applicant informed us that other persons said to be similarly situated as that of the applicant ~~has given~~ ^{as been} benefit of Higher Selection Grade w.e.f. 14.7.1995. The applicant has filed OA No.607 of 2005 (i.e. after a span of 10 years).

3. Prima-facie we find that the Applicant is not similarly situated as those persons who were extended benefit of said Grade w.e.f. 14.7.1995. Reliance is placed on the case of Topan Ghos Versus U.O.I. And Ors., 1995(1) ATJ 365. The said decision is distinguishable on facts and does not lay down as the proposition of binding precedent that period of limitation is absolutely irrelevant. Moreover, we find that grounds taken in the review Petition require hearing of the OA on merit itself and exercise appellate jurisdiction which is not the scope of Review Jurisdiction. It is also being argued that some decisions were cited before the Bench while passing order dated 30.05.2005 but those decisions of Apex Court have not been referred. Applicant should have filed the application without loosing time before the very same Bench as that Bench itself is in a position to ascertain the correctness and whether those decisions were cited or not.

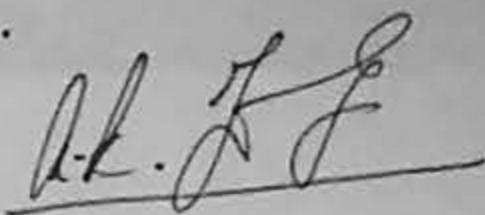


4. We do not find any such ground in the Review Application also. Non mention of a decision, if the same has not been cited and reliance placed while matter was argued, does not provide a ground for review. Review Application has no merit.

5. Review Petition dismissed. No Costs.



Member-A



Member-J

/ns/