

AF (3)

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

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Review Application No. 143 of 1987

IN

Registration (O.A.) No. 734 of 1986

D.K. Shukla .... Applicant.

Versus

Union of India & others .... Respondents.

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Hon'ble K.S. Puttaswamy, V.C.

Hon'ble Ajay Johri, A.M.

(Delivered by Hon. K.S. Puttaswamy, V.C.)

In this application made under Section 22(3)(f) of the Administrative Tribunals Act, 1985 (Act), the applicant has sought for review of our orders dismissing his Original Application No. 734 of 1986.

2. In O.A. No. 734 of 1986 the applicant had challenged his non-promotion and the promotion of respondents no. 4 & 5. On an examination of the contentions urged by both the sides we dismissed the application.

3. Km. S. Srivastava, learned counsel for the applicant, contends that the order made by us, which does not take note of the legal position of promotion on seniority-cum-fitness, or seniority subject to the rejection of unfitness, suffers from a patent error and justifies a review.

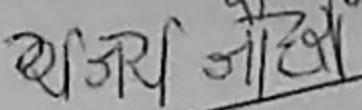
4. Sri K.C. Sinha, learned counsel for the respondents, contends that the order made by us does not suffer from any patent error and does not justify a review.

5. We have perused our order. We are of the view that the order made by us does not suffer from any patent error.

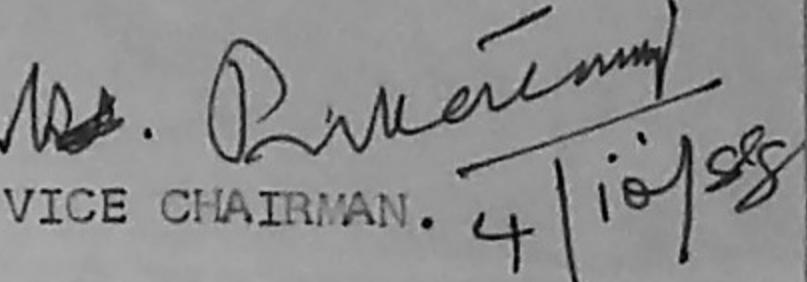
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6. We will also assume that we have not properly appreciated the legal contention urged by Km. S. Srivastava. But then that also does not constitute a patent error to justify a review under Section 22(3)(f) read with Order 47 Rule 1(2) of the Code of Civil Procedure.

7. On any view this application is liable to be rejected. We, therefore, reject this application. But in the circumstances of the case we direct parties will bear their own costs.



MEMBER (A).

  
VICE CHAIRMAN. 4/10/88

Dated: October 4, 1988.

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