

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 31st Day of July 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Review Application No. 33 of 1997

in

Original Application No. 546 of 1992.

Union of India through
Secretary, Ministry of
Communication, New Delhi.

Counsel for the Applicants/Respondents: Km. S. Srivastava,
Versus

Jag Mohan Yadava and Others . . . Petitioners.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

Kumari Sadhna Srivastava for the applicants/
Respondents has sought a review of the order passed
on 5.2.97 in O.A. 546 of 1992 on the ground that
a crucial fact that out of seventeen vacancies
at Kanpur Head Post Office, three vacancies were filled
in by transfer, three vacancies were filled
in by recruitment on basis of compassionate ground
and nine vacancies were filled in by surplus
staff of Kanpur (M) Division, the remaining two
vacancies were ~~meant~~ for S.T. candidates who were
not available and therefore they could not be filled
up. Therefore at this stage it would not be possible
to implement the order of the court. It is claimed

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that persons who had been posted against these vacancies were not arrayed as respondents hence recall of order is sought.

2. It is not the case of the respondents that the information regarding vacancies having been filled up was not available at the time the case was considered and heard by Division bench. The dates of filling up of these vacancies have been given by the respondents and the position that one vacancy was filled in on 12.7.90, two vacancies were filled in October and December 1991 and twelve vacancies were filled in between April and October 1993. However, the Division Bench concluded on the basis of the pleadings in para 8 of this order as follows:-

"The facts of the case with regard to holding of examination for promotion to the post of Postman for Banda Division on 18.8.91 and withholding of the result are admitted. It is also admitted fact that there was no vacancy for Banda Division to be filled through this examination. The respondents have also admitted that out of 20 vacancies of Kanpur Head Post Office only three vacancies could be filled up and 17 vacancies were available against the 40 vacancies of Kanpur City Post Division, only 31 could be filled and nine left over vacancies have been filled by the surplus staff of Aligarh Region."

Hence we do not consider it to be a case in which information was not available at the relevant time and could not be brought to the notice of the court. The order having been passed, has been challenged only in review. There are other forum available to

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the respondents. In such situation, the review on the ground given by the respondents is not maintainable. Hence the review application is dismissed.

D. V. Nageswar
Member (J.)

S. Jayal
Member (A.)

Nafees.