

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF MAY, 1995

Review Application No. 41 of 1995  
In

Original Application No. 976 of 1992

S.K. Gupta and Ors

.... Applicants

Versus

Union of India and Ors

.... Respondents

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER (A)

O R D E R (

JUSTICE B.C. SAKSENA, V.C.

This review petition has been filed against the order and judgment dated 16.1.95 passed by the Tribunal in O.A. No. 976/92. The applicant in the review petition was one of the applicants alongwith others in the said O.A. The O.A was dismissed on the ground of its non maintainability <sup>in the absence of</sup> ~~of~~ the necessary parties viz the selected candidates. The ground taken in the review petition is that the applicant had prayed for his selection and promotion and there was no need to implead other selected and promoted candidates. The said plea is wholly misconceived. The selection is held to fill up the vacancies which are available and orders for promotion have been issued. The granting of the relief to the applicant clearly depended on availability of the posts. The order of promotion was under challenge and despite a preliminary objection having been raised in the

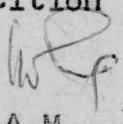
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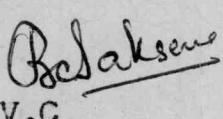
in the counter that the necessary party <sup>ies have</sup> ~~does~~ not arrayed and the applicant took no steps for the impleadment of the said selected candidates.

2. The review application is to be considered in the light of Order 47 Rule 1 C.P.C. None of the ground contemplated by the said provision have been shown to exist. There is considerable delay in filing the review application/for condonation of delay has been filed.

3. We have gone through the application for condonation of delay and we are not satisfied that any case for condonation of delay is made out. It has been indicated in the application for condonation of delay that the applicant was not informed by his counsel that the aforesaid order and judgement nor a certified copy of the judgment has been sent by the applicant's counsel to the applicant. It is not a question of laches and negligence on the part of the applicant.

4. The learned counsel appearing for the applicant steps into the shoes of the applicant, <sup>so to say</sup> ~~to show the same~~ and thus the laches on the part of the applicant are wholly irrelevant. The review petition has been considered on merits and thus we do not consider it necessary to dilate on the question of condonation of delay. The review petition is accordingly rejected.

  
A.M.

  
V.C.

Dated: 3.5.1995

Uv/