

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

R.A. No. 62 of 1995

(Arising out of O.A. No. 1895 of 1994)

Date of order 27.10.1995

Bipin Sharma

Applicant

-Versus-

The Union of India & Others . . . . . Respondents

CORAM : Hon'ble Mr S. Das Gupta, Member(A)

Hon'ble Mr T.L.Verma, Member(J)

O R D E R

Hon'ble Mr S.Das Gupta, Member(A):-

This application seeks review of an order dated 21.4.1995 by which this Bench of the Tribunal had dismissed OA No. 1895/94 in limine.

2. The applicant's case was that he was selected in a test for appointment to the posts of Electrical Fitter in the A.C.Loco Shed, Jhansi and he was placed at Sl.No.5 of the merit list. The applicant's grievance was that no appointment order was issued although, he had made several representations. The application was dismissed both on the ground of limitation and also on the ground that mere empanelment for appointment does not confer any right for appointment.

3. The review of the aforesaid order has been sought on the ground that the applicant's civil rights have been prejudiced by the order in limine, It has also been contended that the law applicable to this case was laid down by the Principal Bench of the Tribunal, in the case of Nirmal


Kumari and Malkhan Singh Versus Delhi Administration reported in 1(1990)ATLT(LA)40. A further ground taken is that the applicant has obtained information that the panel in which he was included is still alive and shall be operated soon after investigation. It has stated that this fact was not within the knowledge of the applicant at the time of argument at the admission stage.

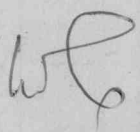
4. We have carefully considered various ground in the Review Application.

5. A decision in limine can not be taken as violative of the civil rights of the applicant. ~~If~~ Also, reconsideration of the controversy in the light of any decision now being cited would constitute reconsideration on merit which is not within the scope of review. The fact regarding the validity of the panel which is now being brought to our notice can not also have any effect on the decision already rendered. If however, the panel is operated and any person below the applicant in merit list is appointed or a fresh selection is made for the filling the same posts for which the panel was prepared, the applicant may have a fresh cause of action.

6. A Review Application has a very short compass. An order already passed can be reviewed only if there is an error apparent on the face of the record or if any new fact is brought out which could not be brought out earlier despite due diligence. It can also be reviewed for an analogous reason. We do not find any error apparent on the face of record in the order dated 21.4.1995 nor has any new fact been brought out as would warrant a review of the order.

7. The Review Application has no merit and is therefore dismissed.

  
Member(J)

  
Member(A)