

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH.

R.A. No. 54 of 2002 in  
O.A. No. 660 of 2000

Date of order: 29-3-03

Phool Chandra

...Applicant

versus

Union of India and others

...Respondents

This Review Petition has been filed against the order of the Tribunal, dated 29.4.2002 passed in OA 660 of 2000, ( Phool Chandra vs. UOI and others), vide which applicant's claim for appointment as Anti-Malaria Lascar (Seasonal) was rejected .

A perusal of the order sought to be reviewed shows that the ground taken by the respondents for not appointing the applicant was that when the interview was held on the first occasion, only two candidates appeared and, therefore, due to lack of sufficient number of candidates, the interview was recalled and fresh interviews were held on 29.5.2000. He appeared in the interview but claimed that since he had already been selected, he should not be considered afresh. This contention was rejected by the respondents because what they had written to the Employment Exchange was that the applicant was the only eligible candidate who appeared on 17.4.2000 and, therefore, a fresh list was called for. In the RA the ground for review has been taken that the Tribunal erred by stating that the applicant did not attend the interview on 29.5.2000. We find from the counter-affidavit filed in the original case that the position is

quite clear. We had observed in our order as under:

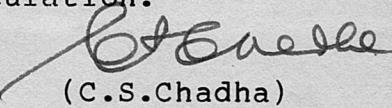
" The counsel for the respondent states that what was intended to be indicated to the Employment Exchange was that he was the only eligible person and in view of shortage of total number of candidates appearing for the selection, the applicant could not have been considered to have passed the test. Since he did not appear for the 2nd test held in May, 2000, he could not be appointed."

The applicant could not show any proof that he actually participated in the interview and had he done so, there was no reason why the respondents could not have considered him. We could not disbelieve the version of the respondents and, therefore, rejected the claim of the applicant, who refused to attend the second interview.

In the RA, we find no good ground to change our earlier decision. No new facts have been brought to our notice and none of the other facts were ignored by us. Therefore, there is no ground, much less sufficient ground, to review our order. If the applicant is aggrieved by our order, the right remedy for him is to approach the higher judicial forum.

The R.A. is rejected by circulation.

  
(A.K.Bhatnagar)  
Member (J)

  
(C.S.Chadha)  
Member (A)

RK: