

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Review Application No.10/2009

In

Original Application No.420/2002

This the 19th day of March 2009.

HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)

Union of India & Others.Applicant/Respondents.

By Advocate: Shri S.P. Singh.

Versus.

Surendra Prakash Respondent/Applicant.

By Advocate: None.

(Under Circulation)

ORDER


BY MR. M. KANTHAIAH, MEMBER (J)

The respondents have filed this Review Petition under Section-22 (f) of Administrative Tribunal Act 1985 read with under Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987 for review of judgment and order Dt. 21.01.2009 on the ground that this tribunal failed to appreciate the stand taken by the department in their Counter

Affidavit and further the DPC followed the guidelines contained in the OM dt. 10.4.1989 issued by the DOP&T in which the candidature of the applicant was duly considered but he was not found fit on the basis of merits / marks of inter-se-seniority of the feeder post and also the decision of the Apex Court in the case of Deo Dutt, which the tribunal relied is not at all applicable to the present case.

2. The matter has been taken up under Circulation.


3. The respondent herein is the applicant in main OA filed to issue direction to hold review DPC to consider his case for promotion to the post of Assistant Controller of Defence Accounts (ACDA) in Junior Time Scale (JTS) of regular IDAS from the date of his immediate junior was giving promotion with all consequential benefits. After completion of pleadings and after hearing both sides, this tribunal disposed of the OA on 21.01.2009 with a direction to the respondents to communicate the adverse entries less than bench mark entries, if any, to the applicant within a period of one months from the date of receipt of the copy of this order and on being communicated the applicant is directed to make a representation against such entry within one month thereafter and the representation of the applicant shall be decided within one month and if the entries are expunged or upgraded he should be considered for promotion from the date of his juniors R.K. Raizada and Ram Prasad within next 2 months and with such observations the OA was disposed of.



4. Against such direction of the tribunal dt.21.1.2009, the respondent have filed the present review application on the ground that this tribunal failed to appreciate the stand taken by the department in their counter reply and also stating that the respondents have followed the guidelines contained in the OM dt. 10.4.1989 issued by the DOP&T and also further stated that the candidature of the applicant was duly considered by DPC but he was not found fit on the basis of merit in inter-se-seniority of the feeder post.


5. In the judgment dt.21.01.2009, the tribunal has considered all the pleas raised by both the parties and thereafter come to the conclusion and by way of review application the respondents wants to review of the judgment of this tribunal dt.21.01.2009 on the ground that there was no proper appreciation of the pleas taken by the respondents.


6. The scope of review under Section-22 (f) of Administrative Tribunal Act 1985 read with under Rule 17 of the Central Administrative Tribunal (Procedure) Rules 1987 is very limited and order of the tribunal can be reviewed if there are any typographical error or mistake on the face of the records but no such circumstances are prevailing in the present case for entertaining the review application of the applicant. From the grounds taken by the review applicant, he is seeking reappraisal of the discussions of the tribunal, which is not permissible and the same is not within the purview of review. Further, the grounds taken by the review applicant are almost



the grounds taken in an appeal but not permissible within the scope of review and as such, the claim of the applicant for review of the order of the tribunal dt. 21.01.2009 is not at all maintainable and thus, liable for rejection.

In the result, review application is rejected. No costs.


(DR.A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)
19-03-09

AMIT/-

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enquiry and
19-3-09
30-3-09*