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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.
CIRCUIT BENCH AT LUCKNOW.

Review Application No. 71 of 1990 (L)

On behalf of

P.P. Verma Applicant.

IN

Registration (O.A.) No. 254 of 1989 (L)

P.P. Verma Applicant.

Versus

Union of India & others Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

(Delivered by Hon. K.J. Raman, A.M.)

This is an application filed under Section 22(3)(f) of the Administrative Tribunals Act, 1985, for review of this Tribunal's judgment dated 30.1.1990 passed in O.A. No. 254 of 1989 (L). This application has been filed on 1.2.1990 and, therefore, within time. There was also another application dated 1.2.1990 seeking a stay of the transfer of the applicant from Lucknow to Rae Bareli, on the basis of the review application. No stay order, however, has been granted.

2. In this application, the applicant has made a number of criticisms against the judgment. It is stated that in para 4(q) of the original application it was specifically mentioned, with regard to the transfer of the applicant who was the senior-most LDC, that the senior-most person could not be transferred in the light of some guidelines prescribed in four letters, mentioned in that para and also as contemplated in Annexure '8' to the original application. It may be mentioned here itself that the relief claimed in the ~~application~~ original ~~petition~~ was to promote the applicant as UDC from the date his junior (respondent no.4) had been promoted and for quashing

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what was called the reversion and transfer order being the order dated 9.8.1989, enclosed as Annexure 'A-4' to the application. There was no prayer for any other relief including any prayer for being posted at Lucknow itself as the senior-most LDC, instead of being posted at Rae Bareli. The reference to Annexure 'A-8' in the review application, as a document laying down the policy, seems to be misconceived because, this is merely a letter dated 28.6.1977 from the Deputy Director (Administration), Directorate of Field Publicity, New Delhi on the subject of appointment of one Sri Ishrat Ullah ^{as Cashier} as LDC at Agra. Incidentally, the letter mentions that one Sri Gaur ¹⁹⁷¹ being the senior-most LDC in the U.P. Region should be retained at Lucknow and not transferred and the junior-most LDC working in the Lucknow Unit should be transferred to Agra. This is a purely administrative letter and lays down no guidelines. Even otherwise, if the grievance of the applicant was regarding the transfer only, he should have claimed relief in that respect, after exhausting the departmental remedies in such cases, since transfer is ordinarily an administrative matter and is not to be interfered with by this Tribunal unless there is shown to be any mala fide or violation of any rules.

3. The averments in paras 3 and 4 of the review application are quite incomprehensible. There is no allegation of any error in the judgment in these paragraphs. In para 5 of the review application, it is argued that the applicant ought to have been promoted as UDC in Dehradun, if promotions were to be made always from common seniority even after finalisation of the recruitment rules. The significance of such an averment is beyond comprehension, since the judgment nowhere states that the common seniority should be followed even after the promulgation of the recruitment rules. There is some further vague averments in paras 6 and 7 of the review application. In para 8 of the review application it is stated that this Tribunal could not appreciate the effect of option given by respondent no.4.

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In para 9 of the review application, a reference is made to para 10 of the judgment which deals with the stay order issued in this case. In that para in the judgment the averments of the respondents that the applicant got himself relieved from the NRLC on 12.9.1989, after obtaining the stay order dated 11.9.1989 from this Tribunal, was noted and commented upon. It was stated that if the applicant had continued to remain on deputation which was allowed, the question of his reversion to the post of LDC would not have arisen at least in the immediate future. In the present review application, it is stated that the NRLC was not made a party in that case. If that was so, it is not understood why the applicant prayed for an interim order to be issued, before this Tribunal and got it on 11.9.1989.

4. The entire review application is vague and merely argumentative. No error has been pointed out in the judgment in question, even though it has been criticised, as briefly indicated above. There is no justification at all for allowing the application for review. It is rejected accordingly.

(Signature)
MEMBER (A).

(Signature)
VICE-CHAIRMAN.

Dated: February 21, 1990.

PG.