

Central Administrative Tribunal Lucknow Bench Lucknow

Review Application No: 37/2008 In O.A. No. 500/98

Lucknow, this the 29th day of April, 2009.

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

1. Union of India through the Secretary
Ministry of Steel and Mines
Shastri Bhawan
New Delhi.
2. Director General
Geological Survey of India
27, Jawahar Lal Nehru Road
Calcutta.
3. Deputy Director General
Geological Survey of India
Northern Region, Lucknow.

Applicants.

By Advocate Sri Veer Raghav for Sri Sunil Sharma.

Versus

Raghavur Dayal H Tyagi
Aged about 45 years
Son of late Sri Harswaroop Tyagi
Resident of B-1/69, Sector B Aliganj
Lucknow.

Respondents.

By Advocate Sri Ratnesh Lai.

Order

By Hon'ble Dr. A. Mishra, Member (A)

This is an application for a review of the order dated 16th

September 2008 of this Tribunal passed in O.A. No. 500/1998.

2. The main ground taken by the applicant is that while this Tribunal has relied on the judgment of Supreme Court in the case of Dev Dutt Vs. Union of India, an error has crept into the operative part of the judgment which is not in consonance with the ratio of the judgment of the Apex Court.



✓ ✓ ✓

3. He has cited other grounds but we would like to confine ourselves with the main ground mentioned in the preceding paragraph. It is true that that an error has crept into the operative part of the judgment which requires modification. While the settled law is that a completely different view cannot be taken on the facts of a case in considering a review application, however, it is open to the Tribunal to rectify some of the errors apparent on the face of the record by modifying the judgment suitably without in any way affecting the main thrust of the judgment.

4. Therefore, without interfering with the judgment, we would like to substitute paragraph 6 which contains the operative part of the judgment in O.A. 500/1998 in the following manner:-

“Therefore, we consider that there is merit in the application, particularly in the context of the law which has been enunciated by the Hon’ble Supreme Court in aforementioned case of Dev Dutt and others Vs. Union of India & Others. We, therefore, direct that the competent authority should communicate the less than bench mark entries to the respondents (Applicant in O.A. 500/98) in respect of the ACRs for the period 1991-1992 to 1995-1996 within one month from the date of supply of a copy of this order. The respondents should be given the opportunity of making a representation within one month thereafter. The competent authority should take a decision on his representation within 15 days from the date of receipt of his representation. In case, his below the bench mark gradings are upgraded then a review DPC will be held within one month thereafter to consider his promotion to the next higher grade from the year he became eligible for promotion on account such upgradation.”



5. With this modification in the operative part of the order passed in O.A. 500/98, this review application is disposed of.

A. K. Mishra 29/04/09
(Dr. A. K. Mishra)
Member (A)

M. Kanthaiah
(M. Kanthaiah)
Member (J)

v.