

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 84 of 2000

(Arising out of O.A. No.527/96)

Patna, dated the 2nd April, 2004

C O R A M

The Hon'ble Mrs. Shyama Dogra, Member (J)

The Hon'ble Mr. Mantreshwar Jha, Member (A)

J.P. Gupta

..

Applicant

BY Advocate Shri M.P.Dixit

-versus-

Union of India & others ..

Respondents

BY Advocate Shri G.Bose

O R D E R

Mantreshwar Jha, Member (A) :-

1. This Review Application under section 17 of the CAT (Procedure) Rules, 1997, has been filed for reviewing the order dated 30.8.2000 passed in O.A.527/96 on the ground that certain relevant material facts, documents and citations available on the record have not been taken into consideration, which is apparent error on the face of the record. The contention of the applicant is that the Division Bench of this Tribunal passed the order in the aforesaid O.A. on 30.8.2000 (Annexure-A/1) due to confusing reply/statement of respondents. It has further been submitted by the learned counsel for the applicant that the O.A. was dismissed by this Tribunal without framing the real issues. Various issues have been framed by the applicant in the R.A. and it has been submitted that if these issues are taken into account, the result of the O.A. would be different and, therefore, the applicant should succeed in getting the relief as prayed for by him in O.A.527/96.

2. We have gone through the averments made in the R.A. and also heard learned counsel Shri M.P.Dixit appearing

for the applicant and Shri G. Bose, learned counsel, appearing for the respondents. We have carefully examined the order of this Tribunal passed in O.A. 527/96 dated 30.8.2000. The main relief that was sought by the applicant in the O.A. was to treat the applicant as qualified for promotion to the post of Office Superintendent Grade II on the basis of his seniority. The entire case in the review application is based on his seniority position in the rank of Head Clerk over some others who have since been promoted. On going through the detailed order passed by this court in O.A. 527/96, we find that this question of eligibility of the applicant for promotion as O.S. Grade II has been examined by the court at great length and the claim of the applicant has been rejected. The court has also referred to the judgment of the Hon'ble Supreme Court as reported in AIR 1986 SC 1455 and examined the claim of the applicant for promotion on the basis of his earlier promotion on ad hoc basis as Clerk in great detail and come to a conclusion that the applicant was not entitled to the relief as claimed by him. Various other judgments have been referred in the order of the Tribunal in the aforesaid O.A.

3. In view of above, we do not find any apparent error on the face of the record to consider any review of the order passed by this court earlier. Needless to say, we are not sitting as an appellate court and we can only correct apparent error on the face of the record and not hear the entire case de novo as an appellate court.

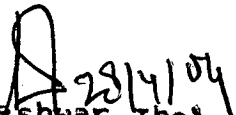
4. In view of above, since there is no apparent error in the order passed by this court in O.A. 527/96 dated 30.8.2000, we are satisfied that no interference

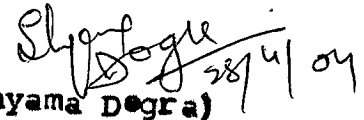


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with the order passed by the Division Bench is warranted.
The R.A. is, therefore, dismissed as devoid of merit.

No costs.


(Mantrishwar Jha)
Member (A)


(Shyama Dogra)
Member (J)

CM