

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNARA No.50 of 2006[OA No.403/06]

Date of order : 3rd January,2007

Bharat Jyoti

.....

Applicant

Vrs.

Union of India & Ors.

.....

Respondents.

ORDER

This is an application for review of order recorded in O.A. 403 of 2006, dated 20.7.2006. Before coming to the review application, it may be mentioned that the aforesaid Original Application was filed by the present applicant submitting therein that he had sent a proposal to the authority to provide special relaxation in appointment of dependents of the Govt. employees relaxing the normal rules of recruitment, such provision if exists, or if not, by making a provision that whoever does a unique work in the interest of nation during the service period, while performing his duty and wants to retire for rendering his whole time to Nation, his dependent may be provided a suitable job according to his qualification and merits. The



applicant claims that he had invented a unique, simple and cheaper voting system which could not be manipulated, for fair election. Earlier also the applicant had come up with O.A. No.232 of 2004 which was disposed of by order dated 20.12.2004 wherein the Tribunal observed that he could not seek his son's appointment on compassionate ground as a matter of right, but taking into consideration that the written statement was not very comprehensive, the Tribunal was of the opinion that in view of the provisions as discussed, particularly the Scheme of the Department for compassionate appointment, more particularly Clause No. 3, the matter could be referred to the competent authority for reconsideration. The matter was remitted back to the Respondents treating the O.A. as representation. Thereafter an speaking order was recorded which was also annexed which stated that the applicant had sought voluntary retirement vide letter dated 6.7.2000 for imparting full time service to the nation and at the same time requested for appointment of his eldest son, by relaxing rules under special compassionate grounds. In the speaking order it was also mentioned that since the voluntary retirement was conditional, no decision was taken thereupon and the Circle Relaxation Committee also did not consider the case as there was no provision in the scheme for such compassionate appointments of the wards of an employee seeking voluntary retirement.

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This Tribunal in its order in O.A. No.403 of 2006 had discussed the law on the matter and the provisions as also the Scheme for Compassionate Appointment.

2. In the O.A. the applicant also had claimed that similar proposal of the Sports Board was allowed in a meeting held in the year 1980, which was also negated by observing in the speaking order that as on date no such relaxation was granted to the dependents/wards of an artist or an outstanding sportsman.

3. In course of arguments this Tribunal also had asked the applicant, who was appearing in person, to show any rule or law under which such prayer could be considered to which the applicant only submitted that if there was no such rule, the Tribunal could direct the respondents for framing of such a rule.

4. This Tribunal also had noticed in its order that in that regard, the applicant had submitted an application to the Secretary to the Govt. of India, in the Department of posts, Ministry of Communication making same prayer. This Tribunal then observed that it would be within the right of the Secretary of the Department to consider such a prayer and, if found proper to place the matter for considering of the appropriate authority. This Tribunal, while so observing also noted that in absence of any such



provision, this Tribunal could not allow such a prayer of the applicant. This Tribunal also observed that in so far as the demand made by the applicant for making such a provision was concerned, the Tribunal could not direct the respondents to make such a provision. It was in the last observed that the concerned official of the department would be free to consider the request of the applicant as made out through his representation, if they found the proposal to be feasible or acceptable.

5. In the review application, the applicant has attributed certain submissions made on behalf of the respondents to be wrong, also using words "false". However, the arguments in the O.A. were made in presence of the applicant but at that time he does not appear to have pointed out as to which of the contentions of the respondents were not true.

6. In the review application, it has also been argued that this Tribunal always had power for giving directions for creating of such a provision if the Tribunal is of the opinion that such a direction was essential in the interest of justice. What this Tribunal had meant in its order was that for the purpose of the particular relief as claimed by the applicant and in the circumstances of the case, this Tribunal could not issue direction to the respondents to make such a provision. This would, in the circumstances of the case, would have amounted to encroach upon the jurisdiction of the




Executive.

7. There are other arguments also in the review application. A perusal of such argument would only show that the applicant has only sought to further ^{augment} his arguments placed at the time of hearing in original application no.403 of 2006. However, on such an arguments, the order cannot be reviewed. Even supposing, for arguments' sake, that this Tribunal, in the opinion of the applicant, had not passed a correct order, that also would not allow this Tribunal to review its order. Review of an order can be made on the grounds as mentioned under order 47 Rule 1 of the Code of Civil Procedure. I do not find that the applicant has come for review with any new document or an important ^{piece} of evidence which was not within the knowledge or which could not be produced by him when the order was made. I also do not find that the applicant has been able to point out any mistake or error apparent on the face of the record. As a matter of fact, no sufficient reason has been shown to review the order.

8. This review application is, therefore, dismissed.

9. Place before the Hon'ble Member[A] for orders, by circulation.


[P.K.Sinha]VC

mps.