

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**BOMBAY BENCH**

R.P. NO. 04/97 -in

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 5&4 96

Hon'ble Vice Chairman / Member (J) / Member (A)

may kindly see the above Judgment for

approval / signature.

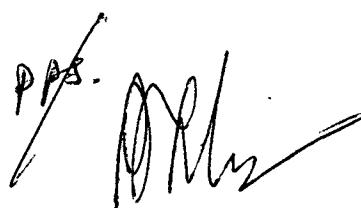


~~Hon'ble Vice Chairman~~ / Member (J) / Member (A) (K/S)

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)



CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

R.P. NO.: 04/97 IN O.A. NO.: 582/96.

Dated this Monday, the 13th day of January, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

Shri R. K. Patil & 3 Others ... Applicants

Versus

Union Of India & Another ... Respondents.

Tribunal's order by circulation :

1. PER.: SHRI B. S. HEGDE, MEMBER (J) 1

The applicants have filed this review petition seeking review of the judgement dated 16.12.1996. We have gone through the review application filed by the applicants and in our view, the application can be disposed of by circulation as per Rule 17 (3) of the Administrative Tribunals Act, 1985. Even in the Review Application, the only contention made by the applicants is to give direction to the respondents to produce the records of 1985 examination for promotion to the post of Accountant to determine/decide the issue involved as to whether the applicants have passed or failed in the departmental examination.

2. It may be recalled vide our judgement dated 16.12.1996, on the basis of the pleadings, it was observed that the applicants are not included in the select list of Accountants dated 17.09.1985 since all the applicants have not passed the departmental examination. It was also

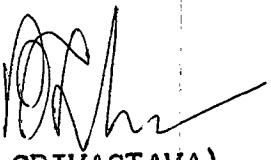
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observed that promotion to the post of Accountant is governed by the Recruitment Rules for Accountants which indicates that it is by promotion, failing which, by transfer on deputation. Promotions are given to persons working in the Canteen Stores Department holding ministerial posts in the scale of Rs. 330-560 with three years regular service in the respective grade and in higher posts subject to passing a departmental test. As per the Recruitment Rules, the applicants are required not only to complete intensive training programme but also to pass the departmental examination. Though the applicants have completed the intensive training course and have been awarded Certificate of Merits, however, the applicants failed to pass the departmental examination for being promoted to the post of Accountant and therefore, they are not included in the list of successful candidates/ eligibility list prepared by the respondents in the year 1985, 1987 and 1995 respectively.

3. In this review petition, the applicants have not stated anything more than what they have already stated and nothing is brought on record to show that they have passed the departmental examination despite that their names have not been included in the select list. It is a well settled principle that the power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. No such ground is made

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out in this review petition. We are, therefore, of the view that the review petition filed by the applicants <sup>as</sup> are devoid of merits and the same is dismissed by circulation.

  
(P.P. SRIVASTAVA)

MEMBER (A).

  
(B. S. HEGDE)

MEMBER (J).

OS\*

dt. 18.1.97  
order/despatched  
to Asst. Secy. to the President (S)  
on 24.1.97

  
L.W.M.