

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

OPEN COURT / PRE DELIVERY JUDGMENT IN OA

RP26/98
1196/96

Hon'ble Vice Chairman / ~~Member (J) / Member (A)~~
may kindly see the above Judgment for
approval / signature.

V.G. / Member (J) / Member (A) (K/S)

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25/3/98

Hon'ble Vice Chairman

Hon'ble Member (J)

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

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27/3

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

REVIEW PETITION NO. 26 of 1998.
IN
ORIGINAL APPLICATION NO. 1163/1996.

, this the 27th day of March 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri M.R.Kolhatkar, Member(A).

D.S.Inamdar. ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

: ORDER ON REVIEW PETITION BY CIRCULATION :

(Per Shri M.R.Kolhatkar, Member(A))

In this Review Petition filed by the original applicant it has been contended that there are some errors and omissions in the Judgment which necessitate ~~its~~ Review. The omission is in respect of reference to the crossing of Efficiency Bar (EB) by the applicant in the promotional post which is required to be kept in view by the Review DPC and other errors and omissions relating to need for correcting the overall C.R. grading for the year 1986 from 'very good' to 'outstanding', the need for reading the grading of 'average' for the years 1982 and 1983 as 'good' because of the failure of the respondents to communicate the 'average' grading, as the 'average' grading is less than minimum bench mark. Lastly, it is contended that the Tribunal has restricted the arrears to one year prior to the date of filing of the O.A. The respondents, in fact have granted arrears in respect of 8 promotees referred to in the letter dt. 14.9.1995 and hence the restriction is not warranted.

2. We have considered the matter. We had directed the department to organise a fresh Review DPC keeping in view the observations in the Judgment for making a fresh assessment for the years 1986 ^{and 1987} and while doing so,

we have relied on the Full Bench Judgment of CAT, Hyderabad Bench in S.S.Sambhus as confirmed by the Apex Court. The Full Bench has kept in view the aspect of the Government employee having crossed the EB in the promotional post as a factor warranting upgradation of the C.R. Naturally, the review DPC which has to consider our Judgment which in its turn is based on the Judgment in S.S.Sambhus case is also expected to keep in view the fact that the applicant had been adjudged ~~fit to keep in view~~ ~~the fact that the applicant had been adjudged~~ suitable to cross the EB in the promotional post. In our view, therefore, the aspect of crossing of EB in the promotional post is very much implicit in our Judgment and in order to place the matter beyond all doubt it would suffice if we make a clarification in this regard.

3. So far as the other prayers of the applicant are concerned, the same amount to going into the correctness or otherwise of the Judgment and do not fall within the review jurisdiction and therefore ^{we are} unable to consider those prayers.

4. For the above reasons the Review Petition is disposed of by circulation subject to the clarification mentioned above regarding crossing of E.B. This order be communicated to both the parties.

M.R. Kolhatkar

(M.R. KOLHATKAR)
MEMBER (A)

B.

R.G. Vaidyanatha
27-3-98
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.