

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW APPLICATION NO. 52/2001
IN
ORIGINAL APPLICATION NO. 695/2000

THIS, THE 6th DAY OF SEPTEMBER, 2001

CORAM: SHRI JUSTICE BIRENDRA DIKSHIT
SMT. SHANTA SHASTRY.

VICE CHAIRMAN
MEMBER (A)

Smt. Vilasini Balagopal,
residing at 12/415, Tilak Nagar,
Tilak Nagar Post,
Chembur,
Mumbai-400 089.

.. Review Applicant

By Advocate Shri P.A. Prabhakaran.

Versus

1. Union of India through
Secretary, Ministry of Finance
NorthBlock, New Delhi-110 001.
 2. Controller General of Accounts,
Ministry of Finance,
7th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110 003.
 3. Pr. Chief Controller of Accounts,
Central Board of Direct Taxes,
9th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi-110 003.
 4. Dy. Controller of Accounts,
Zonal Accounts Office, CBDT,
2nd Floor, Aykar Bhavan,
M.K. Road, Mumbai-400 020.
- .. Respondents

O R D E R

Smt. Shanta Shastri. .. Member (A)

By this review application, the applicant in OA
695/2000, which was dismissed, has sought to review the
order dated 3.7.2001.

2. The review applicant has submitted that she had asked for upgradation and not for grant of 2 advance increments. The recruitment rules do not specify the authority as to who will conduct the proficiency test for the Stenographers. Nowhere it is stated that the test is to be conducted by the Staff Selection Commission. The respondents have misled the Tribunal by creating an impression that the Staff Selection Commission is the sole authority to conduct the examination. This is not substantiated with relevant circulars. The respondents in the OA have also been confused between the upgradation and advance increments.

3. The applicant's office is an attached subordinate office of the same organisation i.e. CBDT under the same Ministry of Finance. A few officials belonging to Stenographer Grade III have been promoted on 21.11.95 to Grade II without their appearing for any qualifying test either by the department or the Staff Selection Commission. There should not be two different yardsticks for upgradation for the same post.

4. Further, three senior accountants in the office of the Zonal Accounts Officer, CBDT Mumbai have been given the benefit of Assured Career Progression without qualifying in the JAO examination, which is a pre-requisite for such benefit. Senior accountants have been granted relaxation by higher authorities.

5. It is seen from the grounds taken by the review applicant that she is trying to re-argue the case. Resort to review of the judgment can only be made when there is a glaring omission or apparent mistake or grave error which had crept in by judicial fallibility. Parties are not entitled to seek review of the judgment delivered by the Tribunal merely for the purpose of re-hearing and fresh decision of the case. The applicant had ample opportunity to argue the case. The order was dictated in the open court. In our considered view, it is not a fit case for review. Accordingly, the review application is rejected.

Shanta Shastri

(SHANTA SHASTRY)
MEMBER (A)

Birendra Dikshit

(BIRENDRA DIKSHIT)
VICE CHAIRMAN

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