

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 635/2000

Date of Decision :13.11.2000

P.V.Somvanshi Applicant.

Shri S.P.Kulkarni Advocate for the  
Applicant.

VERSUS

Union of India & Ors. Respondents.

Shri V.S.Masurkar Advocate for the  
Respondents.

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Smt. Shanta Shastry, Member (A)

- (i) To be referred to the Reporter or not ? *yes*
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? *no*
- (iii) Library *yes*

*S.L.Jain*  
(S.L.JAIN)  
MEMBER (J)

mrj\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.635/2000

Monday this the 13th day of November, 2000.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt. Shanta Shastry, Member (A)

Pramod Vithal Somvanshi,  
Working as EDBPM Ladgaon  
BO under Vaijapur,  
SO Aurangabad.

... Applicant

By Advocate Shri S.P.Kulkarni

V/S.

1. Union of India through  
Senior Superintendent of  
Post Offices,  
Aurangabad Division,  
Aurangabad.

2. The Postmaster General,  
Aurangabad Region,  
Aurangabad.

3. Shri Balasaheb Laxman  
Somvanshi,  
At P.O. Ladgaon,  
Tal. Vijapur,  
Dist. Aurangabad.

... Respondents

By Advocate Shri V.S.Masurkar

O R D E R (ORAL)

{Per ; Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the A.T.Act,  
1985 seeking the reliefs as under :-

*P.L.S.M.* - ..2/-

"8 (a) To hold and declare the selection proceedings of Shri B.L.Somvanshi, Respondent No. 3 for the post of selection of EDBPM Ladegaon BO as vitiated being arbitrary and violative of EDA Rectt.Rules.

(b) Direct the Respondents to consider the application of the applicant for selection for the post of ED BPM Ladegaon B.O. and quash as well as set aside the selection of Respondent No. 3.

(c) To stay the selection and appointment of Shri B.L.Somvanshi till final outcome of this OA.

(d) Any other and such further reliefs as deemed fit and proper by this Hon'ble Tribunal.

(e) Cost if provided be paid to the applicant."

2. During the course of arguments, the learned counsel for the applicant argued that Postmaster general, Madras vide letter No. STC/13-390/84, dated 24.4.1984 has ordered as under :-


" (18) Intimation to candidate sponsored by Employment exchange to be sent by RPAD -- While addressing the candidates sponsored by the Employment exchanges, it is noticed that in some divisions, the notices are issued by ordinary post. This is always risky since complaints may come at a later date about non-receipt of the communication. hence, the appointing authorities may address all the candidates sponsored by the Employment exchange by Registered Post with Acknowledgement Due, enclosing a specimen application form with all details."

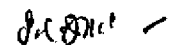
3. It is true that it is desireable that the notices ought to have been sent by Registered Post so that grievance if any may not arise in future. But the said question is not material for decision of the present case. The reason being that the case of the applicant is <sup>was</sup> being considered by the respondents. Hence, the arguments of the learned counsel for the applicant has no bearing on the present case. He did not fulfil the condition of independent source of income. So he could not be selected. *u*

..3/-

4. The Respondent No. 3 who is selected is the candidate meritorious one amongst all the candidates and there is no other ground for cancellation of the selection.

5. In the result, the OA. deserves to be dismissed and is dismissed accordingly with no order as to costs.

  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

  
(S.L. JAIN)  
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

R.P.No.76/2000 in DA.No.635/2000

Dated this the 4<sup>TH</sup> day of June 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)  
Hon'ble Smt. Shanta Shastri, Member (A)

Pramod Vithal Somvanshi ... Applicant

vs.

Union of India & Ors. ... Respondents

Tribunal's Order

(Per: Shri S.L.Jain, Member (J))

The applicant in DA.NO.635/2000 has filed this petition in respect of an order passed by this Bench on 13.11.2000. We have perused the grounds of reliefs and on perusal of the same, we are of the considered opinion that the applicant is seeking a rehearing of the matter.

2. Under Order 47 Rule 1 CPC, the applicant is entitled to have a review of an order passed only on the following grounds :-

- (i) From the discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed <sup>or</sup> order <sup>made</sup>
- (ii) On account of some mistake or error apparent on the face of record.
- (iii) For any other sufficient reason.


3. It is suffice to mention that for any other sufficient reason is to <sup>read n</sup> keeping in view that the matter is not to be re-argued or re-heard.

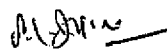
4. It is worth mentioning that the applicant has challenged the selection and he could not be selected on account of the fact that he was considered but he could not fulfil the condition of independent source of income. Through the Review Application, the applicant has placed on record the Revenue record, the production certificate which he received on or after 3.12.2000. The OA. was filed by the applicant on 21.12.2000. The selection was over much earlier to 3.12.2000.

5. In review the applicant cannot be permitted, particularly in case of selection, to place further material on record and asked the authorities to have a re-selection for the post advertised.

6. In view of the above situation, there is no ground for review of the matter as none of the grounds for which a review lies exists.

7. In the result, the Review Application is liable to be dismissed and is dismissed accordingly.

  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

  
(S.L. JAIN)  
MEMBER (J)

mrj.