

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:913/2001
DATED THE 31ST DAY OF OCTOBER, 2002

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Nalini Rajan Pal,
Senior Lecturer,
College of Military Engineering,
Dapodi, Poona - 411 031.
(R/o. Block No. 169/7, CME Campus),
Poona - 411 031)

... Applicant

By Advocate Shri S.P. Saxena

V/s.

1. The Union of India,
through the Secretary,
Ministry of Defence,
DHQ, P.O. New Delhi-110 011.
2. Director General EME,
Army Headquarters,
DHQ P.O. New Delhi - 110 011.
3. The Commandant,
College of Military Engineering,
Poona - 411 031.
4. The Commandant,
Military College of Electronic
and Mechanical Engineers,
Secunderabad

... Respondents

By Advocate Shri R.K. Shetty

(ORAL)(ORDER)

Per Smt. Shanta Shastri, Member(A)

The applicant has filed MP-504/2002 in OA No. 913/2001 seeking to amend the Original Application as per the amendment proposed in Schedule - I attached to it. By this MP, the applicant wants to delete the existing para-8(c) and substitute it by the following

to direct the respondents to reconsider the case of the applicant for his promotion to the post of Lecturer (S.G) and by ignoring the adverse A.C.R.

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for the years 1986 to 1991, and if found fit to place/promote him to the said post with all consequential benefits.

2. Similar amendment has been proposed in para - 1(a) also. When the OA had come up for hearing on the last occasion, it was ordered to produce a photocopy of the order passed by the Hyderabad Bench of the Tribunal in MP No.184/2001 in OA No.478/1998 as it had been relied upon by the counsel for respondents during the argument. The learned counsel for the applicant wanted to verify the order. Now today, a copy of the order passed by the Hyderabad Bench of the Tribunal on 9/4/2001 in OA No.478/1998 in MP/184/2001 has been produced across the bar.

3. It has been stated therein that it cannot be said that the order of Tribunal had not been complied with and the MP was dismissed.

4. Further, the learned counsel for the applicant also drew our attention to page-62 of the OA i.e. Exhibit A-14 enclosing the order of the High Court and further order passed by the respondents on 12/9/2000 in compliance of the judgement in OA No.478/98. Thus, the applicant's case was considered for Selection Grade Lecturer post and was rejected. However, this fact was concealed in the OA and this is a matter of material concealment of facts.

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5. In our considered view, the MP as well as the OA deserves⁴ to be dismissed outright. Accordingly, both the MP and the OA are dismissed. No costs.

Shanta S-
(SMT. SHANTA SHASTRY)
MEMBER(A)

B. Dikshit
(BIRENDRA DIKSHIT)
VICE CHAIRMAN

abp