

CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH

OA No.430/2001

Mumbai, this 14th day of September, 2001

Hon'ble Shri Justice Birendra Dikshit, VC(J)
Hon'ble Shri M.P. Singh, Member(A)

K.V. Prasadarao
12, Mukund Apartments
Gandharva Nagari, Nashik Road-422101 .. Applicant
(By applicant in person)

versus

Union of India, through
General Manager
India Security Pres, Nashik Road ... Respondent
(By Shri V.S. Masurkar, Advocate)

ORDER(ORAL)
By Shri Justice B. Dikshit

Heard Shri K.V.Prasadarao, applicant in person and
Shri V.S.Masurkar, advocate for respondent.

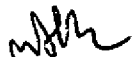
2. Applicant has contended that selection to the post of Deputy Works Engineer in the year 1989 is bad in law as applicant was entitled to be considered for the same. It is admitted by applicant during arguments that OA No.224/96 was decided on 1.11.96 wherein he ~~has~~ challenged selection of the year 1989 ^{selecting} ~~for~~ quashing appointment of persons selected at that selection. Once this Tribunal has expressed its view in respect of that selection and the order has become final, then no second OA is maintainable, challenging the same selection. Applicant has relied upon para 5 of the judgement dated 27.11.2000 passed in PIL No.2268/2000 by Hon'ble High

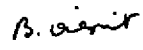
Court of Judicature at Bombay in support of his contention that this Tribunal can entertain this OA.

Para 5 of the judgement reads as follow:

"5. In the circumstances, we dismiss this writ petition but this will not prevent the petitioner from seeking appropriate remedy, if he has any, before the appropriate Forum, as he may be advised".

Applicant's contention is that as the High Court has only directed promotion as per ~~the~~ rules, the matter can be gone into. His argument is that Department has committed a mistake in the year 1989 ^{and he} ~~is~~ ^{he} is not challenging it but in view of order of High Court, he is to be considered for promotion. He is unable to point out to us if there is any vacancy or not. His contention is that as a mistake has been committed by the respondent, his case for promotion can be considered. We do not accept this argument. OA is dismissed.


(M.P. Singh)
Member(A)


(Birendra Dikshit)
Vice-Chairman(J)

/gtv/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.
REVIEW PETITION NO. 64/2001
IN
ORIGINAL APPLICATION NO.430/2001.

Wednesday this the 29th day of May, 2002.

Shri Justice Birendra Dikshit, Vice-Chairman,
Shri M.P.Singh, Member (A).

K.V.Prasadarao.

...Applicant.

v.

Union of India.

...Respondent.

: ORDER ON REVIEW PETITION BY CIRCULATION :

Birendra Dikshit, Vice-Chairman,

By this Review, the applicant challenges the order dt. 14.9.2001 as illegal. We have gone through our Judgment and we do not find any illegality in the order.

2. The applicant has also stated that a speaking order, after providing an opportunity of hearing, be passed in this Review. We have already expressed our opinion after hearing O.A. Nothing new is being brought to our notice which may necessitate re-considering of judgment by us as there is no error apparent on the face of the record. The Review Petition is dismissed.


(M.P.SINGH)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.

Std: 29.5.2002.
order/ ~~by~~ at Dispatched
to Applicant/Respondent (s)
on 3.6.2002


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