

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 3RD DECEMBER 1986.

Present: Hon'ble Justice K.S. Puttaswamy, Vice-Chairman  
Hon'ble Shri. P. Srinivasan Member

REVIEW APPLICATION NO. 26/86

N.R. Lohithakshan S/O Sri. N.K. Raman,  
Major, Civilian Clerk, CMP Records  
Bangalore 560 042.

..... Applicant

(By Shri. K. Sridhar, ~~xxx~~ Advocate)

VS

1. The Union of India, represented  
by its Secretary, Ministry of Defence,  
New Delhi 11.
2. The Adjutant General (AG/PM)  
Appellate Authority, Adjutant  
General's Branch, Army Hqrs,  
DHQ Post, New Delhi 11.
3. The Officer-in-Charge records,  
Corps of Military Police,  
Bangalore-42.
4. Bishan Ram, Upper Division Clerk,  
CMP Records, Bangalore.42. .... Respondents.

(By Shri. M.S. Padmarajaiah.. Advocate)

The application has come up for hearing before  
Court today. The Vice-Chairman made the following:-

ORDER

In this application, made U/s 22(3)(f) of  
the Administrative Tribunals Act, 1985, the applicant  
has sought for a review of our order made on 30.9.1986 in  
Application No: 915/86(T). In that Order we have set out  
all the necessary facts, contentions urged before  
us, and the conclusions reached by us.

cont....

2. Shri K. Sreedhar, learned counsel for the applicant, contends that one of the facts stated by us at paragraph 5 of the Order, viz. 'No Scheduled Caste candidate was promoted in 1976 and 1977' was factually incorrect, and therefore, every one of the conclusions reached by us constitute an error apparent on the face of the record.

3. On perusing our order, we find that we were really discussing two matters, viz. whether the SC vacancy of an Upper Division Clerk which arose in 1973 at point 1 of the roster — assuming that such a roster should have been maintained only after 27-11-1972 — had been actually filled up by a SC candidate and secondly if that were not the case, whether the said vacancy was rightly carried forward to 1980 and properly filled up by respondent 4 (a Scheduled Caste candidate) reverting the applicant who had earlier been promoted to that vacancy. We held that the appointment of Shri Tilak Dhari, a SC candidate, to the post of UDC in 1973, had become non est when the post was abolished and he was reverted and that, therefore, we had to proceed on the assumption that the SC vacancy which arose in 1973 had to be carried forward to three successive recruitment years. Recruitment to posts of UDC took place after 1973 only in 1976, 1977 and 1980 which, therefore, were the three recruitment years after 1973. As it happened one Shri Velunathan, a SC candidate, was promoted as UDC in 1977 but the respondents clarified that he was NOT appointed against the SC vacancy brought forward from 1973, but he was promoted by virtue of his seniority like any general candidate. That is why we disregarded Shri Velunathan's promotion as not affecting the position that the carried forward SC vacancy of 1973 remained unfilled till 1980 when the applicant was initially promoted. On this basis, we upheld the reversion of the applicant and the appointment of a SC candidate, Shri Bishan Ram, in his place.

That being so, the error, if any, in our earlier order when we stated that no SC candidate was promoted in 1976 and 1977 does not, in any way, affect the decision rendered in our order. Therefore, our order does not require to be reviewed.

4. In the application, the applicant also wants us to reconsider our decision on certain other points. We cannot sit in appeal against our own order.

5. We, therefore, see no justification for reviewing our earlier order.

6. In the result, we reject this application at the stage of admission itself without notice to the respondents.

*K.S. Puttaswamy*  
(K.S. PUTTASWAMY)  
Vice-Chairman 3/12/86  
3.12.86

*P. Srinivasan*  
(P. SRINIVASAN)  
Member(A) 3/12/86  
3.12.86