

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 16th DAY OF FEBRUARY 1987

Present : Hon'ble Sri Ch. Ramakrishna Rao - Member (J)

Hon'ble Sri L.H.A. Rego - Member (A)

Review Application No. 8/87
(Application No. 776/86)

D.K. Ghiwari - Applicant

(Sri H.S. Jois, Advocate)

and

The Union of India and another - Respondents

(Sri M.S. Padmarajaiah, Senior C.G.S.C.)

This review application came up for hearing
before this Tribunal and Hon'ble Sri Ch. Ramakrishna
Rao, Member (J) to-day made the following

O R D E R

This is a review application ('RA') filed by
the applicant in the original application ('OA'). The
point urged by Shri H.S. Jois, learned counsel for the
applicant, is that the grievance of his client in the
OA was not only that his name was not considered by the
Departmental Promotion Committee ('DPC') on 14.9.1976
for filling up of the post of Farm Supervisor ('FS')
but also that on an earlier occasion in 1973 when posts
of FS were filled up the name of his client was not
considered for promotion. According to Sri Jois, we
have omitted to consider the second part of his grievance
in our order dated 12.12.1986 passed in the original
application.

2. Sri M.S. Padmarajaiah, learned counsel for the respondents, invites our attention to para 5 of the statement of objections ('SO') filed on behalf of the respondents in the OA wherein it was stated that the Ministry in and by their letter dated 21.5.1973 informed the applicant that 'the Central Poultry Breeding Farms were treated as separate units for the purposes of appointment and seniority of non-gazetted staff and hence the case of the petitioner could be only considered at the farm of his posting only.' Shri Padmarajaiah submits that in view of this the applicant can have no grievance.

3. We have considered the rival contentions carefully. In our view, when the letter dated 21.5.1973 was addressed by the Ministry to the applicant rejecting his request for promotion on the ground stated in para 5 of the SO, he should have taken steps to challenge the aforesaid communication ~~after~~ if he felt aggrieved. Since the applicant has not done so, we do ^{not} find any justification at this distance of time to consider the so-called grievance ventilated by the applicant in the RA filed by him.

4. In the result the review application is dismissed. In the circumstances, there will be no order as to costs.

Chandrasekhar

Member (J)

Member (A) 6.2.87