

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO.: (N) 5/97 IN C.P. NO. (N) 20/96

IN ORIGINAL APPLICATION NO.: 119/90.

Dated this Tuesday the 15th day of JULY, 1997.

CORAM : HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

HON'BLE SHRI B. S. HEGDE, MEMBER (J).

Manohar Bapurao Gunjarkar ... Applicant

VERSUS

Post Master General,
Madhya Pradesh Circle,
Bhopal-12 & 3 Others. ... Respondents.

TRIBUNAL'S ORDER BY CIRCULATION :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

The applicant has filed this review application seeking review of the judgement/order dated 21.01.1997 in which the Tribunal had disposed of the C.P. No. 20/96 in O.A. No. 119/90. It may be noted that the Tribunal had rendered its judgement on 09.03.1992 which reads as below :-

*But in view of the assertions made by the applicant that obviously the second post could have been given to the applicant in view of the fact that no member of S.T. was available and the post could have been carried forward taking into consideration the FACT THAT THE Quota was overfilled. Accordingly, the respondents are directed to consider the case of the applicant for appointment against one post in case the averments made by the applicant are correct and the quota for SC/ST is full and the post could have been kept forward for next year. Let a decision in this behalf be

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taken within three years from the date of communication of this order. No orders as to costs."

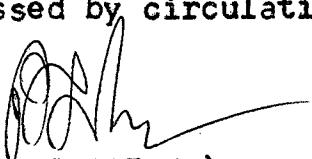
The Tribunal disposed of the O.A. with the direction to the respondents to consider the case of the applicant for appointment against one post in case the averments made by the applicant are correct and the quota for SC/ST is full and the post could have been kept forward for next years and that a decision in this behalf be taken within three years from the date of communication of the order. The applicant in this review petition ^{was} concedes that the period of three years/over on 09.03.1995 ~~but~~ the respondents did not take any initiative to comply with the said order of the Tribunal. Thereafter, the applicant filed a contempt petition on 06.01.1996 which was within the prescribed time limit. The contempt petition was disposed of on 21.01.1997 against which the applicant filed this review petition on 26.02.1997 reiterating the same grievance in which he was ~~conversed~~ before the Tribunal when the O.A. was argued. In the contempt petition it is observed that since no S.T. candidates could qualify in the examination the reserved vacancy for ST community was not filled in as per the standing orders of the Government on the subject. Since the applicant could not secure the desired rank though qualified, had to reappear in the future examination and secure the desired position.

2. On perusal of the review petition, we do not find any error apparent on the face of the record nor any new facts are discovered for reappraisal of the order already passed. The parties are well aware that the scope of the review petition is very limited. If

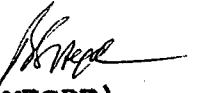
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the applicant is aggrieved by the order of the Tribunal which is not implemented by the respondents, it is open to the applicant to make an appeal before an appropriate forum, if he so desires.

3. In the result, we do not find any merit in the review petition and accordingly the same is dismissed by circulation.


(P.P. SRIVASTAVA)

MEMBER (A).


(B. S. HEGDE)

MEMBER (J).

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