

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 531p91

198

XXXXXX

DATE OF DECISION

4-2-92

Gangadhar Rao

Petitioner

Mr. V M Bendre

Advocate for the Petitioner(s)

Versus

Union of India & 11 ors.

Respondent

Mr. R K Shetty

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. Justice U C Srivastava, Vice Chairman

The Hon'ble Mr. A B Gorthi, Member (A)

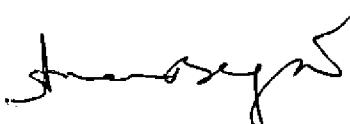
1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ↗
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. Whether it needs to be circulated to other Benches of the Tribunal? w

MOIPRRND-12 CAT/86-3-12-86-15,000

V.C.

(11)

In the instant case if we ignore the guidelines to which a reference has been made by the applicant according to which the constitution of DPC was illegal as per statutory rules inasmuch as the Deputy Secretary was not included in it. It is a different matter that after inclusion if he has not attended, but the inclusion was necessary and instead of five member DPC the constitution of four member DPC was not legal and as such the DPC was not legally constituted and the selection made by such DPC cannot be said to be legal. Accordingly the selection made by the DPC and the appointments made thereafter deserves to be set aside. We accordingly set aside the DPC selection. Let a fresh DPC be constituted in accordance with the rules and selection be made in accordance with the rules within a period of three months. However we make it clear that this judgment should not be taken to mean that those who are working should be displaced from their position till a fresh DPC is convened and they will continue to hold the post which they are holding till the fresh DPC is convened. The promotion list which is annexed with the application is also set aside. No order as to costs.



( A B GROTHI )  
Member (A)



( U C SRIVASTAVA )  
Vice Chairman

9-2-92

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH

Review Petition No. 69 of 1992

IN

Original Application No. 531 of 1991

Gangadhar Rao ..... Applicant

Versus

Union of India & 11 Others ..... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

Dt. 30.6.92

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The respondents to this application have filed this review application against our judgment and order dated 4th Feb. 1992 setting aside the selection and directing reconvening of a fresh D.P.C. The scope of review application is limited and it does not mean rehearing the party or either of them or to consider supplemental arguments in respect of please heard and desposed of. Review Application can be considered or allowed as such ground to be error apparent on the face of the record or discovery of same new material which was not in the notice of the party concerned despite due diligence or any other sufficient reason. No such ground finds place in the review application. If our judgement is erroneous it is for the applicant to this review application to challenge it before proper forum. We have taken into consideration the amendment in the service rules and the applicability of unamended and amended rules and the posts to which they apply. We have also taken a view regarding constitution of D.P.C. and inclusion or exclusion of any member from it and its effect. In our opinion there

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is no error much less than apparent error and the review application deserves to be rejected. It is accordingly rejected.

*thursdays*

A.M.

*h*

V.C.

Dated: 90-4-92

( n.u. )

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

C.P.NO.73/92  
In O.A.No.531/91

Gangadharan Rao,  
Bombay

... Applicant

V/s

Union of India  
and others

.... Respondents

CORAM : HON'BLE JUSTICE MR.S.K.DHAON, Vice-Chairman  
HON'BLE SHRI M.Y.PRIOLKAR, MEMBER (A)

Appearance:

Shri V.M.Bendre, Adv.  
for the applicant

Shri V.S.Masurkar, Adv.  
for the respondents

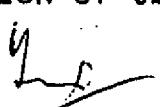
TRIBUNAL'S ORDER

30.7.1992

We have gone through the contents of the application. We have also seen reply of the officer concerned. The grievance is that the respondents at the time of hearing of the original application placed reliance on wrong documents or wrong settled rules. Therefore, they committed contempt of this Tribunal. This is to be noted that the applicant succeeded in the Original Application.

2. In our opinion, it is not necessary to investigate the matter. We see no case of contempt. Accordingly, the contempt petition is rejected.

3. M.P.No.430/92 filed by the respondents for extension of time is also disposed off.

  
(M.Y.PRIOLKAR)  
M/A

srl

  
(S.K.DHAON)  
V/C