

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 777/94.

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DATE OF DECISION: SEPTEMBER 05, 1994.

Shri Narendra Singh, Petitioner

Shri H. A. Sawant, Advocate for the Petitioner

Versus

Union Of India & Others, Respondent


Shri N. K. Srinivasan, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri R. Rangarajan, Member (A).

1. To be referred to the Reporter or not ? *p*
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(B. S. HEGDE)
MEMBER (J).

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

O.A. NO.: 777/94.

Shri Narendra Singh ... Applicant

Versus

Union Of India & Others ... Respondents.

CORAM :

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri R. Rangarajan, Member (A).

APPEARANCE :

1. Shri H. A. Sawant,
Counsel for the Applicant.
2. Shri N. K. Srinivasan,
Counsel for the Respondents.

ORAL JUDGEMENT

DATED : SEPTEMBER 5, 1994.

¶ Per. Shri B. S. Hegde, Member (J) ¶.

1. Heard Shri H. A. Sawant, Counsel for the Applicant and Shri N. K. Srinivasan, Counsel for the Respondents. The respondents have filed their reply to the O.A., copy of which is given to the applicant's Counsel.

2. The main relief claimed by the applicant is that the applicant is a Junior Typist in the scale of Rs. 950-1500 and he is seeking promotion to the post of Hindi Assistant Grade-II in the scale of Rs. 1400-2300. In between, there is another grade of Senior Typist in the scale of Rs. 1200-2040. We find that the applicant

has not occupied the post of Senior Typist in the scale of Rs. 1200-2040 and he is seeking promotion to the post of Hindi Assistant Grade-II, on the basis that he has completed three years of service, as per Annexure A-13, which is reproduced below :-

"Employees of any departments with 3 years Railway Service and with requisite educational qualification as prescribed by Board in their letter No. Hindi/82/OL-1/1/3 dt. 4.6.83 circulated vide this Office circular No. EP/1025/9 dt. 30.06.1983 and those working in the grade, not below the scale of Rs. 330-560 / 1200-2040 (RP) are eligible for promotion to the post of Hindi Assistant Gr.II scale Rs. 1400-2300. The three years Railway Service will include Railway Service rendered in scale Rs. 260-400 / 950-1500 (RP) also and not necessarily in the scale Rs. 300-560 / 1200-2040 (RP) alone."

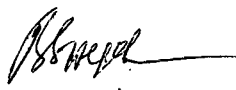
3. In this connection, the Learned Counsel for the Respondents, draws our attention to Annexure A-8 wherein it envisages that the staff in the immediate lower grade with a minimum of 2 years service in that grade will only be eligible for promotion. The service for this purpose will include service if any, rendered on adhoc basis followed by regular service without break. The condition of two years service should stand fulfilled at the time of actual promotion and not necessarily at the stage of consideration. Further, it envisages that serving railway employees who have completed 3 years regular Railway Service and possess the following qualification, are eligible for being considered for selection for promotion.

4. In the light of the above, the Learned Counsel for the respondents submit~~g~~ that since the applicant was regularised in the post of Junior Typist as on 05.12.1992 and the selection took place in June 1994, therefore, he has not completed the required 3 years of service. In the circumstances, he is not eligible for promotion.

5. We have heard the Learned Counsel~~s~~ for both the parties. We find that the applicant is not eligible for promotion and accordingly, the application is rejected.

6. In the light of the above, the O.A. is dismissed at the admission stage itself.

(R. RANGARAJAN)
MEMBER (A).


(B. S. HEGDE)
MEMBER (J).

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

R.P. NO. 133/94

in

O.A. No. 777/94

Shri Narendra Singh

...

Applicant

v/s

Union of India & Ors.

...

Respondents

CORAM

1) Hon'ble Shri B.S. Hegde, Member (J)

2) Hon'ble Shri R. Rangarajan, Member (A)

Tribunal's orders on Review Petition by circulation

(Per: Hon'ble Shri B.S. Hegde, M(J)).

Dated: 23. 12. 94

1. This Review Petition has been filed by the Applicant seeking review of the judgement dated 5-9-94 in O.A. No. 777/94. In the O.A., the Applicant has stated that he is working as Junior Typist in the scale of Rs. 950-1500 and seeking promotion to the post of Hindi Assistant Gr.II in the scale of Rs. 1400-2300. In between, there is another grade of Senior Typist in the scale of Rs. 1200-2040. Admittedly, the Applicant has not occupied the post of Senior Typist and is seeking promotion of Hindi Assistant Gr. II on the ground that he has completed 3 years' service as per Annexure A-13. Annexure A-8 envisages that selection post shall be filled by a positive action of selection made with the help of Selection Boards from amongst the staff in the immediate lower grade with a minimum of 2 years service in that grade will only be eligible for promotion. The service for this purpose will include service if any rendered on ad hoc basis followed by regular service without break; therefore, the candidate should have completed two years at the time of actual promotion and

From pre-page:

not necessarily at the stage of consideration. Admittedly, the Applicant was regularised in the post of Junior Typist as on 5-12-1992 and the selection took place in June 1994; therefore, he has not completed the required 3 years of service. In the circumstances, he was found to be ineligible for promotion. Accordingly, O.A. has been dismissed at the admission stage itself after considering the rival contentions of the parties. On perusal of the Review Application, we do not find any new facts brought to our notice since he did not complete 2 years as Senior Typist nor 3 years as regular railway service in the post of Junior Typist, ^{therefore,} the question of his being considered for higher post hardly arises.

2. The law is well settled that the scope of review application is very limited and the review application is maintainable only if there is an error apparent on the face of the record or some new evidence has come to the notice which was not available even after exercise of due diligence or any other sufficient reason. Review Application cannot be utilised for re-arguing the case traversing the same ground again.

3. After perusing the review application, we find that none of the ingredients referred to above, have been made out to warrant a review of the aforesaid judgement.

4. In the circumstances, ~~we are~~ of the opinion, that neither an error on the face of the record has been pointed out nor any new facts have been brought to our notice calling for the review of the judgement.

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Accordingly, we do not see any merit in the review application, the same is, therefore, dismissed.



(R. Rangarajan)
Member (A)



(B.S. Hegde)
Member (J)

ssp.