

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**BOMBAY BENCH**

R.P. No. 8102 & 44/02

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 529/95

Hon'ble Vice Chairman / ~~Member (J)~~ / ~~Member (A)~~

may kindly see the above Judgment for  
approval / signature.

(S.G. Deshmukh)

~~V.C. / Member (J) / Member (A) (K/S)~~

Shri A.K. Agarwal.

Hon'ble Vice Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

R.P. NO.: 8/2002 & 44/2002 IN O.A. No. 529/95.

Dated this 27<sup>th</sup> day of February, 2004.

CORAM : Hon'ble Shri A. K. Agarwal, Member (A).

Hon'ble Shri S. G. Deshmukh, Member (J).

H. P. Vora

...

Petitioner

(By Advocate Shri S.V. Marne)

Versus

Administration of Union  
Territories of Dadra & Nagar  
Haveli & 2 Others

...

Respondents.

(By Advocate Shri V.S. Masurkar)

TRIBUNAL'S ORDER ON REVIEW PETITION :

Both the Review Petitions are filed for reviewing the order dated 30.01.2002 passed in O.A. No. 529/95.

2. The O.A. is disposed of by order dated 30.01.2002 as follows :

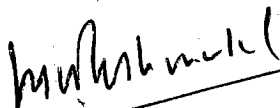
"11. In the result O.A. is allowed. The order dated 24.3.1994 passed by Respondent No. 1 promoting Respondent No. 2 and 3 as Executive Engineer (Civil) are quashed, the respondent No. 1 is directed to hold the Review DPC in accordance with law, rules and instructions considering the fact that applicant be considered, ignoring his ACRs for the period 17.4.1987 to 31.3.1988. The respondent No. 1 is free to take into consideration the ACR for the said period, if subsequently recorded and if adverse, communicated to the applicant, the representation if any is decided. The said exercise be completed within a period of three months from the date of receipt of the copy of the order. No order as to costs."

The Learned Counsel for the petitioners (respondents in the O.A.) brought to our notice that the Tribunal has allowed the O.A. on the ground that review D.P.C. held on 18.01.1994 has not considered the case of the applicant. The Learned Counsel for

the petitioners also brought to our notice that review D.P.C. clearly shows that the applicant was considered by the Review D.P.C. but he was not found fit.

3. There appears to be an error apparent on the face of the record. The O.A. is allowed and order dated 24.03.1994 has been quashed and the respondents are directed to hold a review D.P.C. basing on that the Review D.P.C. held on 18.01.1994 has not considered the case of the applicant. That the entire order of the Tribunal is based on that the review D.P.C. dated 18.01.1994 has not considered the applicant. In fact, the record shows that the review D.P.C. had considered the applicant. Thus, the entire order of the Tribunal is required to be reviewed and the O.A. is required to be heard de novo.

4. Accordingly, both the review petitions are allowed and the O.A. be fixed for hearing on 31st March 2004

  
(S. G. DESHMUKH)  
MEMBER (J).

  
(A. K. AGARWAL)  
VICE-CHAIRMAN

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order Issued  
on 9/3/04  
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