

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW APPLICATION NO. 43/2001
IN
ORIGINAL APPLICATION NO. 749/1998

THIS THE 14TH DAY OF SEPTEMBER 2001

CORAM: SHRI S.K. NAQVI. ... MEMBER (J)
SMT. SHANTA SHAstry. ... MEMBER (A)

Union of India & Ors .. Review Applicants
.. Respondents

Vs.

Shri R.V. Patel. .. Respondent
Applicant in OA

O R D E R (CIRCULATION)

Smt. Shanta Shastry. ... Member (A)

This review application is filed by the respondents in the Original Application No. 749/98 decided on 30.1.2001. The Tribunal directed the respondents to convene a review DPC for the year 1997 when the vacancy first existed and the applicant was high in the zone of consideration, in the light of the provision of para 6.3.1 of the Consolidated Instructions of the DOP&T dated 10.4.1981 and to consider the applicant's case for promotion. The review applicants have sought the review on the ground that the relief granted to the applicant in the OA was exclusively on the basis of the applicant's submission that

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consideration of the bench mark was not necessary in the case of candidates belonging to the SC/ST. The review applicants have drawn attention of the Tribunal to the provisions of OM dated 22.7.97 bearing No.360E/23/96-Estt.(RES) wherein it has been stated that "it has been decided to withdraw the instructions contained in OM dated 10.4.89 to the extent it provides for consideration of SC/ST candidates without reference to merit and the prescribed 'bench mark' are hereby rescinded". Further, when the DPC met on 19.9.97 the OM dated 22.7.97 was in force and therefore, the applicant would not have been entitled to the relief which he got. It was only during the examination for implementing the Tribunal's order that the aforesaid provisions came to the notice of the appropriate staff. The review applicants/ respondents have also referred to the proceedings in OA No.749/98 wherein this particular OM dated 22.7.97 had been taken into consideration.

2. We have perused the ground taken by the review applicants/ respondents. The judgment was delivered on 30.1.2001 and the review applicants/ respondents have now approached this Tribunal on 26th June, 2001 for review. It is, therefore, barred by limitation as the review application needs to be made within a period of

one month of the receipt of the order. Further, the judgment was dictated in the open court and was based on whatever material available before the Tribunal at the relevant time. Further, even the OM dated 22.7.97 has been amended later on restoring the earlier provisions of para 6.3.1. of OM dated 10.4.89

3. In our considered view, therefore, no review is called for. The review application is, therefore, rejected both on ground of limitation as well as on merits.

Shanta F

(SMT. SHANTA SHAstry)

MEMBER (A)

S. K. S. Naqvi

(S. K. S. NAQVI)

MEMBER (J)

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