

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

RP.59/94 in OA.531/91

dt.1-11-96

Between

K.P. Kamalam

: Applicant

and

1. Secretary
Min. of Defence
New Delhi

2. The Commandant
HQrs, Pune

3. Area Commandant
Andhra Sub Area, HQ
Secunderabad

4. Smt. Indira Chandran
General Supervisor
Station HQ, Andhra Sub Area
Secunderabad-10

5. Sri K. Devarajan
General Supervisor
Station HQ, Andhra Sub Area
Secunderabad 10

: Respondents

Counsel for the applicant

: G.V. Subba Rao
Advocate

Counsel for the respondents

: N.V. Ramana
Addl. CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

Judgement

Oral order (per Hon. Justice Mr. M.G. Chaudhari, VC)

1. Mr. S. Ramakrishna Rao mentioned that Mr. G. V. Subba Rao, is unable to attend today owing to some personal reasons. Ordinarily we would adjourn the matter on personal ground of the counsel. However, we find that the RA itself is more than two year old ~~xxxxxx~~ and relates to the OA of the year 1991. Hence, we are not inclined to adjourn the matter.
2. Hence, we proceed to pass the order acting under Rule 15(1) of CAT Procedure Rules, 1987. Mr. V. Rajeswara Rao appears for the respondents.
3. The order in the OA shows that after considering the merits of the Case the OA was dismissed. The relief claimed by the applicant was for directing official respondents to fix her seniority as per service rules and the DPC recommendations after quashing the order of Respondent-3 dated 17-12-1990. The application was contested by the respondents. It was held that the placement of Respondent-4 in the post of General Supervisor above the applicant was valid and therefore correction made by the impugned order was not erroneous. It was noted that all the promoted candidates have to be placed in the same seniority in which they worked in the immediate lower cadre in case of promotion on the basis of non-selection, which means promotions on the basis of seniority cum suitability and the impugned decision of Respondent-3 was consistent with that rule. After going through review petition we find that the grounds raised are relating to the

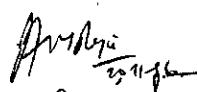


merits and the grievance is about the findings arrived at by the Tribunal on the merits. Simply because the applicant feels that a different view can be taken on merits and ought to have been taken by the Court, that is not a ground for review. If the ~~findings~~ are erroneous the only remedy is by way of appeal. In the review petition the allegation is that Respondent-3 is acting in a biased manner as her representation was not being headed to ~~end~~ that he was treating the applicant deliberately with malafide intention. It is also contended that application is entitled for direction to Respondent-3 to fix up her seniority as per Service Rules and DPC recommendation. These are the grounds which have to be considered in the OA and do not amount to any error apparent on the face of the record in the order passed by the Tribunal in the OA and thus, we find no merit in the RA and the same is dismissed.


(R. Rangarajan)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : November 1, 96
Dictated in Open Court


Deputy Registrar (J) CC

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