

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD-A.P.
~~NEW DELHI~~

R.P.No. 53/92 in

O.A. No. 1122/91.

198

~~T.A. No.~~
~~XXXXXX~~

DATE OF DECISION 30-4-92

Gummadi Venkateswara Rao Petitioner

Sri D.Krishna Murthy Advocate for the Petitioner(s)

Versus

Chief General Manager, Telecom., Respondent
A.P., Abids, Hyderabad.

Sri N.V.Ramana Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R. BALASUBRAMANIAN, MEMBER (A)

The Hon'ble Mr. C.J. ROY, MEMBER (J)

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?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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


HRBS
M(A)


HCJR
M(J)

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::AT HYD.

R.P.No.53 of 1992

in
O.A.No.1122 of 1991.

Date of Decision: 30-4-92

Between:

Gummadi Venkateswara Rao

..

.. Petitioner/Applicant

Vs.

Chief General Manager, Telecommu-
nications, A.P., Abids, Hyderabad.

.. Respondent/Respondent

For the Petitioner : Sri D.Krishna Murthy, Advocate.

For the Respondent : Sri N.V.Ramana, Addl.Standing
Counsel for Central Govt.

CORAM:

THE HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

THE HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

ORDERS PASSED IN CIRCULATION AS PER HON'BLE SRI C.J.ROY, M(J) X

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This is a Review Petition filed under rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 seeking review of the Judgment dt. 21-2-1992 in O.A.No.1122 of 1991. The petitioner herein is the applicant in the O.A. and the respondent herein is same as in the O.A.

2. The Review Petitioner herein had filed the above O.A. stating that he had applied to the post of Jr. Telecommunication Officer in terms of notification dt. 11-8-1984 and was selected to the post as per the panel prepared for the said posts. But the petitioner herein was not appointed to the said post in view of imposition of ban in filling up the vacancies. However, he had approached this Tribunal in the year 1991 for a direction to the respondent to appoint him as Jr. Telecom Officer in terms of the selections made in pursuance of the

the notification dt. 11-8-1984 for the said posts. It was also his contention that one by name Smt.S.Suneetha Lakshmi who was at Sl.No.134 in the select panel had approached this Tribunal having come to know about the re-advertisement issued by the respondents for the vacancies already notified earlier on 29-4-1989 in O.A.No.395 of 1989 which was allowed by orders dt. 26-3-1990. The petitioner herein also contend that she was offered the said post in April, 1991 by the respondent. It was also his case that the Judgment in the above O.A. is applicable in his case also.

3. The petitioner alleges that the applicant in the above referred O.A. is junior in the panel, and that he had immediately approached this Tribunal by filing the O.A.No.1122/91 on 2-7-1991 after coming to know about the Judgment rendered in O.A.No.395 of 1989 and hence no delay caused in the matter. It is also the contention of the Review Petitioner that the cause of action arose only on the date when his junior is appointed and therefore the benefit extended to his junior is liable to be extended on the ground that he had filed the O.A. within three months from the date of her appointment.

4. It is pertinent to mention Rule-17 of CAT(Procedure) Rules, 1987 which says -

"Review is maintainable if there is a mistake apparent on the face of the record or there is no material which they could not place at the time of hearing but subsequently got some information which they could not produce with due diligence."

Keeping in view of the above Rule, it can be seen that the Review Petitioner has neither raised any new point nor pointed any mistake apparant on the face of the record or produced any material which he could not place at the time of hearing but got some information subsequently.

The Review Petitioner re-iterated the points already raised

in the O.A. which were all considered by the Tribunal while deciding the matter. However, the contention of the Review Petitioner that cause of action arose only in the month of April, 1991 when the said Smt.Suneetha Lakshmi was offered appointment in pursuance of the Judgment of the Tribunal, etc. cannot be accepted. Admittedly the re-advertisement was issued on 29-4-1989 by the respondent calling for the applications. ^{Had} ~~if~~ the applicant ~~could have~~ been aggrieved, he could have approached this Tribunal or the respondent as is done by the said Smt.Suneetha Lakshmi the applicant in O.A.No.395/89. It is also pertinent to mention that while admitting the O.A. filed by her, the respondent was directed to reserve one vacancy pending disposal of the said O.A., but as on the date the O.A. under review was filed, all the vacancies could have been filled, since it was filed after about two years after ~~re~~-advertisement. The Tribunal rightly dismissed the O.A. as time-barred under the said circumstances.

5. In view of the observations supra, the Review Petition is dismissed. There will be no order as to costs.

R. Balasubramanian
(R.Balasubramanian)
Member (A)

C. J. Roy
(C.J.Roy)
Member (J)

Dated 30th April 1992.

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Deputy Registrar(J)

To

1. The Chief General Manager, Telecommunications, A.P.Abids, Hyderabad.
2. One copy to Mr.D.Krishna Murthy, Advocate, 1-10-123/1, Ashoknagar, Hyderabad.
3. One copy to Mr.N.V.Ramana, Addl. CGSC.CAT.Hyd.
4. One spare copy.

pvm.

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