

CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH,  
JAIPUR.

Review Petition No. 27/93

Date of order  
15.4.93

M.L.MATHUR

...

Applicant/Petitioner.

V  
E  
R  
S  
U  
S

UNION OF INDIA & ORS.

...

Respondents.

\*\*\*\*\*

CORAM :

Hon'ble Mr.B.B.Mahajan, Administrative Member.  
Hon'ble Mr.Gopal Krishna, Judicial - Member.

...

PER HON'BLE MR.B.B.MAHAJAN, ADMINISTRATIVE MEMBER :-

We have considered the Review Petition in accordance with the procedure under Rule 17 (3) of CAT Procedure Rule, 1987. In the petition, it has been mentioned that the petitioner was promoted in the year 1985 against the vacancy of the year 1983. The impugned seniority list had been issued by following the quota and rote rule. The petitioner's plea in the O.A. was that the seniority should have been followed by the modified rule laid down in the Government of India, Department of Personnel, O.M. dated 7.2.1986 and not by the provisions of instructions existing before that date. That contention has not been accepted in the order dated 17.12.1992. No plea was taken by the counsel for the applicant during hearing that seniority should be determined on the basis of date on which the vacancy had arisen. This new plea cannot be taken in the review petition. Another ground taken in the petition is that the Tribunal did not consider the plea taken by the applicant in paras A & B (correct numbers for reference are ground AA & AB in para 12) at page 23 of OA. The respondents no.1 to 3 in their reply had stated against this ground that seniority list had been correctly issued and the applicant had not shown as to how the roster point had not been followed.

*D* *27*

The applicant failed to show even in the rejoinder to this reply filed on 15.12.1992 how the roster point had not been followed and merely reaffirmed the submissions made in the O.A. in para 17 of the rejoinder. This plea was also not raised by the learned counsel for the applicant during the arguments. In ground 'D' of the Review Petition reference has been made to a Judgment of the Principal Bench of the Tribunal dated 19.5.87 in OA No. 684/86. It has not been shown how the judgment is relevant to the present case. In any case the same was neither referred to in the pleadings nor mentioned by the learned counsel for the applicant during arguments. It cannot also, therefore, afford a ground for review.

2. In view of the above, there are no grounds for review of our order dated 17.12.1992. The petition is dismissed in limine.

GK  
(GOPAL KRISHNA)  
JUDL. MEMBER

PM  
(S.B. MAHAZAN)  
ADMN. MEMBER

Shashi/