

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.P. No.15/94
M.A. No.100/94

Dt. of order: 13.5.94

K.L.Sharma :Non-Petitioner

Vs.

Union of India & Ors. :Petitioner

Mr.R.N.Mathur :Counsel for non-petitioner

Mr.J.D.Sharma : Counsel for petitioner.

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.)

PER HON'BLE MR.GOPAL KRISHNA, MEMBER (JUDL.).

Petitioners Union of India & Others in this Review Petition under Rule 17 of the Central Administrative Tribunals (Procedure) Rules, 1987, have sought a review of the order dated 25.11.93 passed in O.A.No.1117/92. The petitioners have also prayed for condonation of delay in a Miscellaneous Application filed alongwith the petition for review. We are satisfied with the reasons for condonation of delay in presenting the Review Petition and the delay is condoned in the interest of justice. So far as the review of the order in question is concerned, it is contended on behalf of the petitioners that in accordance with the instructions contained in the Department of Personnel & Training O.M.No.F.22011/5/86-Estt.(D) dated 10.3.89 relating to the procedure to be observed by the Departmental Promotion Committees, the confidential reports for five preceding years are required to be considered for assessing the suitability of the officers for promotion. Since the case of the applicant in the said O.A. has to be reconsidered for promotion by the Review DPC, it is contended by the petitioners that the direction given by this Tribunal for considering the A.C.Rs for preceding 4 years deserves to be reviewed and modified. No such direction for considering the A.C.Rs of the applicant in the said O.A. for preceding 4 years has in fact been given by us while deciding the O.A. in question. What we had actually stated in the judgment in question is that in case the APARs for the period from

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1988-89 to 1991-92 were not available, the respondents shall take all necessary steps to obtain complete APARs of the applicant for the above period also for the purpose of convening the Review DPC. The counsel for the petitioners says that the order in so far as it relates to the date from which the applicant may be promoted vis-a-vis his juniors in case he is found suitable for promotion, the order is quite clear and does not call for any interference by way of review.

2. The Review petition is misconceived. It is hereby dismissed with no order as to costs.

3. The M.A. also stands disposed of accordingly.

G
(O.P.Sharma)
Member(A).

Chauhan
(Gopal Krishna)
Member(J).