

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

R.P. No. 34/94
M.A. No. 227/94

Inderjeet Kaur

Dt. of order: 27.4.1995

: Applicant/non-petitioner.

Vs.

Union of India & Ors.

: Petitioners/respondents

Mr. U.D. Sharma

: Counsel for petitioners

Mr. Rajendra Soni

: Counsel for non-petitioners

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

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

PER HON'BLE MR. Gopal Krishna, VICE CHAIRMAN.

Petitioners Union of India & Ors. have filed this Review Application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, for review of the order dated 16.7.93 passed in O.A. No. 132/87.

2. We have heard the learned counsel for the parties and have carefully examined the records. The facts of the case are that the impugned decision was rendered on 16.7.93 directing the respondents/petitioners to appoint the applicant/non-petitioner on a regular basis from the same date from which respondents/petitioners had given appointment to a person whose name appeared at a serial number lower than that the applicant in the merit list referred to in the letter dated 29.9.92. Pursuant to the direction, the applicant/non-petitioner has been given appointment as Steno Grade-D in the National Institute of Communicable Diseases, Delhi on a regular basis from the date of joining on the post. The contention of the respondents/petitioners is that in view of a subsequent letter dated 5.4.94 sent by the Staff Selection Commission it transpired that the applicant/non-petitioner was not entitled to regularisation as a Stenographer Grade-D but she was merely qualified/entitled to regularisation as an L.D.C. and since the direction given by the Tribunal in the impugned decision for regularisation of the applicant/non-petitioner as a Stenographer Grade-D was based on the letter dated 29.9.1992 sent by the Staff Selection Commission and the consideration that

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she was working in the office of the petitioners/respondents as Stenographer Grade-D, the order passed by the Tribunal requires to be reviewed due to the subsequent letter dated 5.4.94, Annx.RP-4. The counsel for the respondents/petitioners has submitted that the impugned order has to be reviewed since there was discovery of new and important matter^s orⁿ evidence which after the exercise of due diligence was not within the knowledge of the respondents/petitioners seeking review and it could not be produced by them at the time when the order was made. The order was made on 16.7.93, this letter is dated 5.4.94. If there was any mistake on the part of the respondents/petitioners, it can be attributed to the negligence of the Staff Selection Commission which is another department of the Govt. of India. A power of review is not to be exercised to correct all manners of errors.

3. We do not find any scope for review of the impugned order in terms of the provisions contained in Order XLVII Rule 1 of the Civil Procedure Code. This review application is therefore dismissed with no order as to costs.

4. Since the review application has been dismissed, the M.A. No.227/94 for condonation of delay accordingly stands rejected.

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

Gopal Krishna
(Gopal Krishna)
Vice Chairman.