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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL


04.11.2008


RA 19/2006 (OA No. 453/2006)

Mr. P.P. Mathur, counsel for applicant.
Mr. Kunal Rawat, Sr. Standing counsel for
respondent no. 1.
Mr. Y.K. Sharma, Proxy counsel for
Mr. Sanjay Pareek, Counsel for respondent no. 2.
Mr. V.D. Sharma, Counsel for respondent no. 3.

Heard learned counsel for the parties.

For the reasons dictated separately, the RA
is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th November, 2008

REVIEW APPLICATION NO. 19/2006
IN
ORIGINATION APPLICATION NO. 453/2006

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Laxmi Chand Jain aged about 48 years, son of Shri Guman Mal Jain. Resident of F/I/65 Bajaj Nagar Apartment, Bajaj Nagar, Jaipur (Rajasthan), presently serving as Joint Director (Industries) WTO Cell, Secretariat, Jaipur (Rajasthan).

....APPLICANT

(By Advocate: Mr. P.P. Mathur)

VERSUS

1. Union of India through the Secretary, Ministry of Personnel, Public Grievances & Pensions, Government of India, Department of Personnel & Training, North Block, New Delhi.
2. Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road, New Delhi.
3. State of Rajasthan through Chief Secretary, Government Secretariat, Jaipur.
4. Secretary, Department of Personnel (A-1), Government of Rajasthan, Government Secretariat, Jaipur.

.....RESPONDENTS

(By Advocates:

Mr. Kunal Rawat - Respondent No. 1.

Mr. Y.K. Sharma, Proxy to Mr. Sanjay Pareek, Respondent No. 2

Mr. V.D. Sharma, - Respondent no. 3

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ORDER (ORAL)

The applicant in OA No. 453/2006 has filed this Review Application thereby alleging that after disposal of this OA, he has discovered new facts & evidence, which was not available at the time of disposal of this OA, as such the judgement under review is required to be recalled and the matter is required to be heard in the light of new material of facts, which has been placed on record. It may be stated here that by common order/judgement dated 12.12.2006, this Tribunal had disposed of three OAs i.e. OA No. 451/2006, OA No. 452/2006 and OA No. 453/2006. It may further be stated here that applicants in OA Nos. 451/2006 & 452/2006 have filed Writ Petition against the impugned judgement before the Hon'ble High Court instead of resorting to the review proceedings.

2. Learned counsel for the respondents has brought to our notice the decision of the Hon'ble High Court in DB Civil Writ Petition No. 10050/2006 filed by the applicant in OA No. 451/2006. Hon'ble High Court vide its judgement dated 15.01.2008 in Para No. 3 has categorically held that the exercise done by the State Government by no stretch of imagination can be said to be flawed; rather, it is in consonance with Regulation 4 of the Regulations, 1997. In


Para No. 4, Hon'ble High Court has held that consideration of the matter by the Central Administrative Tribunal does not suffer from any legal infirmity justifying interference by this court. However, liberty was reserved to the petition/aggrieved person to challenge the promotion accorded to a particular individual to Indian Administrative Service by pursuing appropriate remedy in accordance with law.

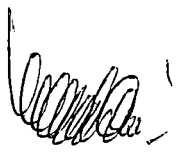
3. In view of this categorical finding given by the Hon'ble High Court in the case of the applicant in OA No. 451/2006, Dr. Kalyan Sahai Sharma, we are of the view that it is not permissible for us to recall the judgement, which has attained finality, even if it is assumed that the review applicant has made out some case for reviewing the judgement.

4. In view of what has been stated above, we are of the view that Review Application cannot be entertained. It may be stated that we have not gone into merit of the ^{Case}~~view~~ and Review Applciation has been disposed of simply on the ground that judgement rendered by this Tribunal has been approved by the Hon'ble High Court and judicial propriety

does not permit to recall the judgement once it has been approved by the Hon'ble High court.

5. With these observations, the Review Application is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ.