

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Date of order: 16-5-1996

PA No.7/96 (CA No.159/92)

Union of India and others

.. Applicants

Versus

Smt. Snehlata Mathur

.. Respondent

Mr. Manish Bhandari, counsel for the applicants

Mr. P.D.Tripathi, counsel for the respondent

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Rattan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P.Sharma, Administrative Member

This is a Review Application filed by Union of India and another official respondents, seeking review of para 7 of the order dated 19-7-1995 passed in CA No. 159/92, Snehlata Mathur Versus Union of India and others. In para 7 of the Tribunal's order, it was held that the applicant is entitled to an opportunity to appear in the selection for the post of Sr. Teacher (Biology) and that the respondents shall grant such opportunity to her now. It has further been stated in para 7 that the mode of selection for the applicant to the post mentioned above would, however, be the same as prescribed for other candidates including respondent No.5.

2. In the Review Application, the applicants Union of India and another official respondents have stated that respondent No.5 is infact a direct recruit whereas promotion is sought to be given as per the order of the Tribunal to the applicant as a departmental candidate. Therefore, the mode of selection of the applicant

...2/-

5

for promotion cannot be the same as was followed for respondent No.5. They have, therefore, sought a review of the order dated 19-7-1995 of the Tribunal to the extent that the mode of selection of the applicant to the higher post cannot be same as for respondent No.5.

3. The applicant in the OA and respondent in this Review Application Smt. Snehlata Mathur has stated in her reply to the Review Application that respondent No.5 was indeed a direct recruit and therefore, the case of the applicant could not have been compared with that of respondent No.5 insofar as mode of selection to the higher post is concerned. However, according to Smt. Mathur, the respondents have correctly understood the intention behind the order passed by the Tribunal. They have actually conducted selection for the post of Sr. Teacher (Biology) on 4-9-95 and Smt. Mathur has actually been selected and placed at Sl.No.1 of the panel of selected candidates. Thereafter she has been posted as Sr. Teacher (Biology) on regular basis by the order dated 22-9-95 (Ann.R1). In these circumstances, according to her, the Review Application has become infructuous.

4. We have heard the learned counsel for the parties and have ~~gone~~ through the material on record.

5. We find that there was indeed an error in the order dated 19-7-1995 passed by the Tribunal insofar as it was stated in para 7 thereof that the mode of selection for the applicant will be the same as prescribed for other candidates

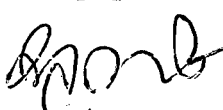
Q

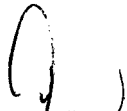
....3/-

6

including respondent No.5, because case of respondent No.5 who was direct recruit cannot be compared with that of the applicant. The Tribunal's observations in para 7 stand modified accordingly and it is held that the applicant shall be granted promotion on the basis of the procedure to be followed in the cases of candidates who are already in service on the lower post. The respondents have already followed the procedure for selection prescribed for departmental candidates and have already granted promotion to the applicant on her being selected.

6. The Review Application stands disposed of accordingly.


(Rattan Prakash)
Judicial Member


(O.P.Sharma)
Administrative Member