

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 1st day of January, 2008

RA No.11/2007 (OA No.113/2002)

1. Pradeep Sharma s/o Shri Gopi Ram Sharma, aged 41 years r/o 119, IT Colony, Jyoti Nagar, Jaipur
2. Jagdish Prasad Saini s/o Shri Gangal Ram Saini, aged 41 years r/o 100-B, Panchwati, Scheme No.7, Alwar
3. Yogesh Sharma s/o Shri Brij Lal Sharma, aged 45 years r/o Brivilla, 201, Raghu Marg, Bhagat Singh Circle, Alwar.

... Applicant

Versus

- 1A. Union of India through Secretary, Revenue Department, Secretariat, New Delhi.
1. Chief Commissioner of Income Tax, Jaipur, Central Revenue Building, Bhagwan Das Road, Jaipur.
2. Sunil Verma s/o Shri Dalu Ram Kumawat, aged about 41 years s/o Q.No.67, Income Tax Colony, Jyoti Nagar, Jaipur
3. Pramod Goyal s/o Shri Shri Chand Goyal, aged 41 years, r/o 434, Adarsh Block, Mahaveer Nagar, Tonk Road, Jaipur
4. Bhagirath Lal Gupta aged 44 years, Inspector Income Tax, Office of CIT, Kota.

.. Respondent No.3/(Review Applicant)

ORDER (By Circulation)

Respondent No.3 in the OA has filed this Review Application against the judgment dated 11th November, 2007 passed in the OA No.13/2002 thereby annexing copies of the Govt. of India, Department of Personnel

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and Training OM No.14015/1/76-Estt. (D), dated 4.8.1980 as amended by Dept. of Personnel and Training, OM No.15012/3/4-Estt.(D), dated 12.11.1987 and OM No.14034/3/95-Estt.(D) dated 29.11.1996. (Ann.B and C of the Review Application). The review applicant has not raised any ground, whatsoever, as to how this Review Application is maintainable and judgment of the Tribunal is required to be reviewed, except placing these two documents on record.

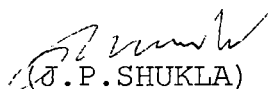
2. The respondent No.3 in the OA has also filed reply to the OA on record as Ann.A. From perusal of the reply filed by the respondent No.3, it is clear that the respondent has neither made reference to these instructions in the reply affidavit so filed nor copy of these OMs were annexed with the reply. Thus, according to us, the review applicant cannot be permitted to re-hear the matter again on the basis of the OMs which he has now relying in the Review Application. Further, the respondent No.3 has not made any averments in the Review Application as to why the review applicant could not have placed these instructions on record in the OA. Thus, according to us, the Review Application is wholly misconceived.


3. That apart, the review applicant is placing reliance on the OM dated 4.8.1980 as amended vide OM dated 12.11.1987 and ~~and~~ on the instructions issued by

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the Govt. of India, Department of Personnel and Training vide OM dated 29.11.1996. These amendments/instructions are of subsequent date whereas the appointment relates to the year 1983 when these instructions were not in vogue. Even on this ground the review applicant is not entitled to any relief as these instructions are prospective in nature. From perusal of Para 11 and 12 of the judgment, it is clear that this Tribunal has given findings on the basis of the instructions dated 4.8.1980, which were in vogue at the relevant time and the amendment made to the OM dated 4.8.1980 subsequent on 12.11.1987 will not alter the position in respect of the employees who were appointed prior to 12.11.1987 and were governed by the original instruction dated 4.8.1980.

4. Thus, looking the matter from any angle, we are of the firm view that the present Review Application is wholly misconceived and deserves to be dismissed. Accordingly, the same is dismissed by circulation.


(J.P. SHUKLA)
Admv. Member


(M.L. CHAUHAN)
Judl. Member

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