

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order: 6.4.95.

RA 21/95 (OA 434/94)

SUGAN CHANDRA JAIN

... PETITIONER.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM :

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. N.K. VERMA, MEMBER (A).

For the Petitioner

... SHRI S. KUMAR.

For the Respondents

... SHRI V.S. GURJAR.

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

This is a Review Petition u/s 22 of the Administrative Tribunals Act, 1985, seeking a review of a decision rendered by us in OA 434/94 on 6.1.95.

2. We have heard the learned counsel for the petitioner and the learned counsel for the respondents and have gone through the records of the case very carefully.

3. The main thrust of the arguments of the learned counsel for the petitioner is that due to non-preparation of the correct seniority list/eligibility list, the petitioner's case for consideration for promotion to the post of Chief Engineer is likely to be adversely prejudiced as he is much senior on the post of Superintending Engineer in the Junior Administrative Grade. The contentions of the petitioner are that he had not challenged any selection procedure. In fact, there has been an illegality on the face of the record since the rules on the basis of which the seniority list ought to have been prepared, have not been correctly interpreted. The learned counsel for the petitioner has relied on AIR 1954 SC 526, (Moran Mar Basselios Catholicos and another v. Most Rev. Mar Poulouse Athanasius and others), at page 540, wherein their

Cyml Lordship of the Supreme Court made the following observations :-

.....2.

"The majority judgements, therefore, are defective on the face of them in that they did not effectively deal with and determine an important issue in the case on which depends the title of the plaintiffs and the maintainability of the suit. This, in our opinion, is certainly an error apparent on the face of the record."

4. We find no force in the contention of the learned counsel for the petitioner that the judgement has been given on issues which were not even raised by the petitioner. All the points raised in the OA were duly considered and examined. A decision cannot be interfered with by way of review if the same is ~~even~~ ^{even} erroneous ^{on} merits. The petitioner has not challenged the decision in this review petition on the ground of discovery of new ^{and important} matter or evidence which, after the exercise of due diligence, could not be produced by him at the time when the impugned order was made.

5. We do not find any error apparent on the face of the records or any other ground falling within the purview of Order-47 Rule-1 of the Civil Procedure Code justifying a review of the impugned decision. This Review Petition has no force and it is dismissed.

N.K. Verma
(N.K. VERMA)
MEMBER (A)

Gopal Priehna
(GOPAL PRIEHNA)
MEMBER (J)