

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

(9)

Date of order: 29-2-1996

RA No. 1/95 (OA No. 509/89)
MA No. 19/95 (RA No. 1/95)

Union of India and others .. Petitioners

Versus

Gopal Lal Saini .. Respondent

Mr. U.D.Sharma, Counsel for the petitioners

Mr. P.V.Calla, Counsel for the Respondent

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

This is a Review Petition filed by the Union of India and 4 others under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, seeking a review of the order passed in OA No. 509/89 dated 28-4-1994 in respect of the respondent Shri G.L.Saini.

2. We have heard the counsel for the petitioners and the counsel for the respondent. We have perused the records.

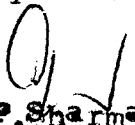
3. The learned counsel for the petitioners has urged that while working out the entire position in terms of the decision in OA No. 509/89 decided on 28-4-94, it was discovered that the case of the respondent (applicant No.4 in the aforesaid OA) had been considered for promotion to the cadre of L.S.G. by the D.P.C. on 3-9-77 alongwith other applicants in the said OA but he was found unfit for promotion. Thereafter, the respondent was found fit for promotion to the L.S.G. cadre and on the recommendations of the Departmental Promotion Committee, he was promoted to that cadre on 3-7-80 vide Ann.RA/3 dated 3-7-80 but the aforesaid

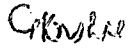
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(16)

promotion was refused by him. It is also stated by the petitioners that since the present respondent was found unfit for promotion on 3-9-1977, he was not eligible for the grant of the benefit of notional fixation of pay in the L.S.G. cadre with reference to his junior, who was adjudged suitable for promotion by the D.P.C. on 3-9-1977. These facts by due exercise of diligence could have been brought to the notice of this Tribunal or should have been categorically stated in the reply of the petitioners to the OA in question. Not disclosing these facts at the relevant point of time till the OA was finally disposed of on 28-4-94, does not furnish any ground to interfere with the impugned decision by way of review. There are no justifiable grounds falling within the purview of order xxxvii Rule 1 of the Code of Civil Procedure warranting any clarification/ review of the decision. This review petition is, therefore, dismissed.

4. Since the Review Petition has been disposed of on merits, the Misc. Application for condonation of delay becomes infructuous and is, therefore, dismissed.


(O.P. Sharma)
Administrative Member


(Gopal Krishna)
Vice-Chairman