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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 15-9-2000

R.A. No.24/2000 (OA 462/94)

A.Ramadass, Director Finance, Seleum (Tamilnadu).

... Applicant

v/s

1. Union of India through the Secretary, Ministry of Communications, Sanchar Bhawan, New Delhi.
2. Chairman, Department of Telecom., Sanchar Bhawan, New Delhi.

... Respondents

CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

ORDER

PER HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

This Review Application is filed for seeking a review of the order dated 20.7.2000 passed in OA 462/94.

2. The short grievance of the applicant in this Review Application is that in terms of the formula of 40% roster his case requires to be considered for promotion since he has completed three years qualifying service in the feeder cadre. Therefore, he ^{submits that} ~~seeks~~ there should have been a



direction to consider his case as per the roster point instead of directing the respondents to consider the case of the applicant for promotion to the post of Junior Time Scale Class-I w.e.f. the date any of his junior was so promoted. The applicant also stated that in the OA he prayed for such a consideration for promotion and what has been ultimately granted is a limited relief to him.

3. In our considered opinion, the applicant may pray whatever the relief he thinks appropriate in the circumstances of the case but the Courts or Tribunal grants the relief what to the concerned applicant would be entitled having regards to the facts and the law applicable. Therefore, we passed the order as under :-

"The O.A. is allowed. The respondents are hereby directed to consider the case of the applicant for promotion to the post of Junior Time Scale Class-I post according to rules, with effect from the date if any of his junior is so promoted, within a period of three months from the date of receipt of a copy of this order. No costs."

4. From the reading of the entire judgement and order and the ultimate relief granted to the applicant, we do not find any ~~is~~ error apparent on the face of the record.

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As already pointed out by the Hon'ble Supreme Court in AIR 1995 SC 455, Smt. Meera Bhanja v. Nirmal Kumari, the review is not meant to re-appreciate the facts and law already decided. In another judgement in JT 1999 (1) SC 578, Ajit Kumar Rath v. State of Orissa & Others, the Hon'ble Supreme Court ~~has~~ also has further pointed out that a review cannot be claimed or asked for merely for a fresh hearing or arguments or correction of an erroneous view taken earlier. They have ~~laid~~ laid down the law that the power of review can be exercised only for correction of a patent error of law or fact without there being any elaborate argument for establishing the same.

The expression 'any other sufficient reason' used in Order 47 Rule 1 means a reason sufficiently analogous to those specified in the rule. Applying this principle of law to the present case, we do not find that it is a fit case for review of order of this Tribunal.

5. Even though, in our order we have directed the respondents to consider the case of the applicant for promotion to the post of Junior Time Scale Class-I post according to the rules with effect from the date if any

of his junior is so promoted. It simply means that even in a case where any of his junior is not yet promoted, still the authorities could consider his case for promotion to the next cadre as per his eligibility and this order does not prevent the authorities from doing so as per the roster applicable. Even on this reason also, we ~~xxxxxxxx~~ find that the order under review does not call for any interference. Accordingly, we pass the order as under :-

The Review Application is dismissed. NO costs.



(N.P. NAWANI)
MEMBER (A)



(B.S. RAIKOTE)
VICE CHAIRMAN