

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No 16 of 1998. (In O.A.110/94)

DATE OF DECISION..... 8-6-1999.

Comptroller and Auditor General of India
& Ors.

(PETITIONER(S)

Sri A. Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Shri L.Krishna Gopal Singh

RESPONDENT(S)

S/Shri G.K.Bhattacharyya & G.N.Das.

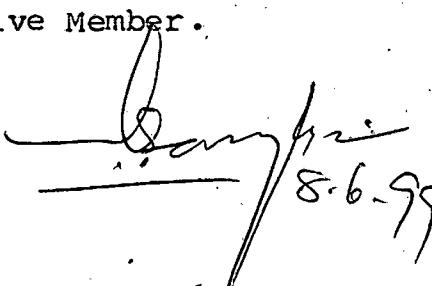
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


8-6-99

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Review Application No. 16 of 1998 (In O.A.110/94).

Date of Order : This the 8th Day of June, 1999.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

1. Comptroller & Auditor General of India,
New Delhi.

2. Accountant General (A&E)
Meghalaya etc.,
Shillong.

... Petitioners.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

- Versus -

Shri L.Krishna Gopal Singh

... Opposite party.

By Advocate S/Sri G.K.Bhattacharyya &
G.N.Das.

O R D E R

G.L.SANGLYINE, ADMN MEMBER,

The applicant in the Original Application is a Divisional Accountant under the administrative control of the Accountant General (A&E) Meghalaya etc., Shillong. He was required to pass the prescribed examination within the stipulated time of six chances. However, he did not pass and he was directed to be repatriated to his parent department by Memo dated 16.5.1994. He submitted Original Application No.110 of 1994 seeking two special chances granted in letter No. 2011-N-III/99-93 dated 2.12.1993. After hearing the Tribunal in the order dated 22.5.1998 directed the respondents to give the next available two chances to the applicant and till then the applicant shall not be reverted to his parent department. The respondents have submitted

this present Review Application as, according to them, two more chances were not available to him as the applicant had already availed 7(seven) chances as below :

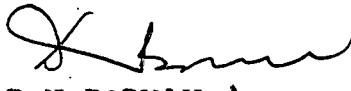
- 1) In December 1989,
- 2) In June, 1990,
- 3) In December, 1990,
- 4) In June, 1991,
- 5) In December, 1991,
- 6) In June, 1992 and
- 7) In December, 1993.

2. The applicant submitted O.A.203 of 1992 in which he had contended that he had availed only 5 chances and, even assuming that he had availed himself of six chances, he was still entitled to avail himself of two more chances before he was finally repatriated in view of the judgment dated 12.9.1991 in O.A.72 of 1991 and other O.As. This Tribunal in the common order dated 8.6.1993 directed among others to count the number of chances already physically taken by each of the applicants and in doing so the number of opportunities offered, but not availed of, should be ignored. Further, after counting the number of chances in this manner, those who had physically availed of all the six chances shall be given one additional special chance for appearing in the test to be held in 1993 with at least one month prior notice for preparations. It appears that after this order dated 8.6.1993 examination was held in December 1993. After the aforesaid order of the Tribunal the respondents issued a letter No. 2011-N-3/99-93 dated 2.12.1993 to the effect that it was decided to give a maximum of two special chances to pass the examination as an one time measure to the Emergency Divisional Accountants who had exhausted their normal chances and who were in

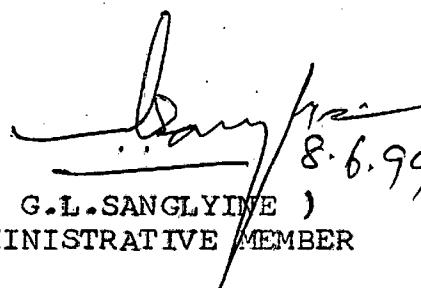
position as Extra Divisional Accountants as on the date of the receipt of the letter. This was however, subject to the conditions that the two special chances would be allowed to those Extra Divisional Accountants who had filed application before the Tribunal or the High Court only after they produce evidence of withdrawal of their cases and made request for the special chances. As already stated, the applicant sought the benefit of that circular in O.A.110/94. In O.A.144/94 in the order dated 10.4.1997 rejecting the contention of the respondents that the circular was not applicable to the applicant in that case the Tribunal held that those who were not before the Hon'ble High Court or Tribunal would not be debarred from getting the chances. It was the contention of the respondents in that O.A.110/94 that the applicant had physically availed seven chances including the special chances granted to him as per order of the Tribunal dated 8.6.1993. However, following the order dated 10.4.1997 in O.A.144/94, the above directions were issued in our order dated 22.5.1998, which is now sought to be reviewed.

3. After consideration we are of the view that there is no ground to justify review of the order. Before the letter dated 2.12.1993 the applicant had availed these normal chances and the Tribunal had also allowed him one additional special chance. The letter dated 2.12.1993 provided that a maximum of two special chances were to be given to the specified Emergency Divisional Accountants who had exhausted their normal chances subject to the conditions stipulated therein. Those chances were to be availed of before 31.12.1994. In the order dated 10.4.1997 in O.A.144/94 it was held that such benefits would be allowed

to others also. In the O.A.110/94 the applicants sought for these two special chances. Following the order dated 10.4.1997 in O.A.144/94 the applicant was allowed to avail the two chances. In the circumstances the Review Application is hereby dismissed. No order as to costs.



(D.N.BARUAH)
VICE CHAIRMAN



(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER