

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**R.A No. 154/2016  
O.A No. 2870/2012**

New Delhi, this the 11<sup>th</sup> day of July, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman**  
**Hon'ble Mr. K. N. Shrivastava, Member (A)**

1. Union of India,  
Through the Secretary,  
Ministry of Communication & I.T.,  
Department of Telecommunications,  
Sanchar Bhawan, Ashoka Road, New Delhi.
  2. Ministry of Personnel  
Public Grievances and Pensions,  
Through the Secretary,  
Department of Personnel & Training,  
North Block, New Delhi.
  3. Union Public Service Commission,  
Through its Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi – 110069.
  4. Bharat Sanchar Nigam Limited,  
Through its CMD,  
Bharat Sanchar Bhawan,  
Janpath, New Delhi.
- .....Review Applicants

(By Advocate : Shri D.S. Mahendru)

VERSUS

Shri S.P. Singh,  
S/o Late Shri Ram Swaroop Singh,  
R/o 712, Sector-11, Vasundhara,  
Ghaziabad-(U.P.)  
Presently posted as:  
Director, TEC (Telecom Engineering Centre)/DoT,  
New Delhi.

....Respondent

(By Advocate: Shri Ujjwal Jha)

## O R D E R (O R A L)

**Justice Permod Kohli, Chairman**

This review is filed against the judgment dated 07.08.2014 passed in O.A No. 2870/2012 whereby the following directions were issued :

“6. In view of the above position, we dispose of this O.A with a direction to the competent authority of the respondent department to convene the Review DPC for the year 2017 and to consider the case of the applicant for promotion to the post of SAG of ITS Group-A against the vacancy year 2007-2008 and to take appropriate action as ordered by the Apex Court in Dev Dutt’s case (supra). The said directions shall be complied with, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.”

2. The review petitioners before us (respondents in the Original O.A) challenged the order of this Tribunal before the Hon’ble High Court of Delhi. Two submissions were made before Hon’ble High Court, i.e., (1) respondent had suffered a penalty and sealed covered procedure had been followed ; and (2) respondent’s representation against the ACR grading for the year 2002-2003 is still pending and not disposed of.

3. Based on these submissions, the Hon’ble High Court allowed the petitioners to withdraw the Writ Petition with liberty to file Review Petition before the Tribunal, as is evident from the order dated 19.02.2016 passed by the Hon’ble High Court in WP (C) No. 1391/2016. It is in view

of the above circumstances that present review has been filed.

4. We have perused the averments in Review. Both the contentions/submissions made before the Hon'ble High Court did not emanate from the judgment sought to be reviewed in the present Petition. From the judgment it appears that the stand of the Review petitioners before the Tribunal was that the respondent herein (Original applicant in the original O.A) was declared unfit on account of below bench mark gradings in the ACRs for the years 2004-2005 and 2005-2006. There was no reference to the ACR for the period 2002-2003. It was admitted before the Tribunal that the ACR for both these years were later upgraded to 'Very Good', which is the prescribed Bench-mark. Despite the upgradation, the respondent was declared unfit by the DPC, which was contrary to the record. Insofar as the second contention that on account of penalty sealed cover procedure had been adopted is concerned, nothing is revealed as to when the sealed cover procedure was adopted and when penalty was imposed. It appears that no argument in this regard was made before the Tribunal when the O.A was decided.

5. Under these circumstances, there does not seem to be any error apparent on the face of the record. It is settled law that the “error apparent on the face of the record” must be evident and visible from the judgment impugned. Since the averments made before the Hon’ble High Court were not raised before the Tribunal when the impugned judgment was passed, there was no occasion for the Tribunal to deal with the said submissions.

6. Mr. D. S. Mahendru, learned counsel for the Review petitioners has not been able to show that both the submissions are relevant for the purpose of consideration of the respondent for promotion against the vacancies of 2007. Therefore, even if the submissions made before the High Court are correct, unless their relevancy is demonstrated, it would have no impact on the validity of the judgment under review.

7. Looking from all angles, we do not find any valid ground to intervene in the impugned judgment in exercise of review jurisdiction. The Review Petition is, therefore, dismissed.

(K. N. Shrivastava)  
Member (A)  
/Mbt/

(Justice Permod Kohli)  
Chairman