

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.242/2017
in
O.A.No.2377/2014

New Delhi, this the 12th day of December, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

R.S. Rana,
S/o Shri P.S. Rana,
Assistant Director (Ministerial),
SA & GR, Vikas Sadan
New Delhi.

.. Applicant

Versus

1. Delhi Development Authority,
Through its Vice Chairman,
Vikas Sadan,
INA,
New Delhi-110023.

2. The Commissioner (Personnel),
Delhi Development Authority,
Vikas Sadan,
INA,
New Delhi-110023.

.. Respondents

O R D E R (By Circulation)

By V. Ajay Kumar, Member (J):

The applicant, initially, filed O.A. No.2034/2012 questioning the Establishment Order dated 11.05.2012 whereunder his promotion orders were withdrawn. This Tribunal by its order dated 21.02.2013

disposed of the said O.A. by holding that cancellation of the promotion of the applicant without providing an opportunity to show cause to the applicant is bad and since the applicant's appeal against the said withdrawal order is pending, directed the respondents to consider the appeal of the applicant and to pass appropriate speaking and reasoned orders. In pursuance of the said directions, the respondents considered the appeal of the applicant and passed the impugned speaking order dated 31.05.2013. Thereafter, O.A. No.2377/2014 was filed questioning the said order.

2. This Tribunal after hearing both sides and after considering the pleadings on record, dismissed the OA No.2377/2014 vide its Order dated 10.10.2017, and the relevant paras of which, read as under:

"12. The respondents vide their counter have stated that the applicant, in fact, tampered with the official records including his answer-sheet of the English language paper of the examination held in 2005 and after a lapse of 6 years got his English language paper re-evaluated and basing on that could able to get the promotion and, in this connection, the respondents have issued a charge-memorandum on 06.06.2013 to the applicant and the said departmental proceedings are pending as on today.

13. Admittedly, there was no court order in favour of the applicant. Hence, there was no occasion for the respondents to get the English language paper of the applicant re-evaluated after a lapse of 6 years, but for the alleged tampering of records by the applicant which are yet to be crystallized basing on the finalisation of the departmental proceedings. The applicant having participated in the Departmental Examination conducted in the year 2008 and failed therein cannot get benefited of the re-evaluation of his English language paper done without there being any basis or support of any court order.

14. In the circumstances and for the aforesaid reasons, we do not find any merit in the O.A. and, accordingly, the same is dismissed. Pending MA(s), if any, also stand disposed of. No costs."

3. Seeking review of the said order dated 10.10.2017, in OA No.2377/2014, the instant RA has been filed by the applicant.

4. The applicant failed to show any valid ground or any error apparent on the face of the record of the Judgement dated 10.10.2017, which is the *sine qua non* for entertaining a Review Application. On the other hand, the applicant is trying to reargue the OA by raising various grounds on merits, which is impermissible as per the settled principles of law.

5. In the circumstances and for the aforesaid reasons, the RA is dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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