

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-81/2016 in
OA-3408/2014**

New Delhi this the 19th day of October, 2016.

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Naresh Chander aged about 24 yrs.
S/o Jagannath Singh,
R2F-774/24 Raj Nagar Part III, Palam Colony,
New Delhi 34.

... Applicant

(through Sh. Shilp Vinod)

Versus

1. Commander Work Engineer,
(Airs Force)
Through the Commander,
Head Quarters,
Palam Delhi Cantt.
2. Joint Secretary,
Department of Disability Affairs,
Ministry of Social Justice and Impairment
"A" Wing, Shashtri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi 110001.

... Respondents

(through Sh. A.K. Singh)

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This review application has been filed by the OA respondents for review of our order dated 13.05.2015, the operative part of which reads as follows:

"6. We, therefore, allow this O.A. and direct the respondents to consider the applicant for appointment under the low vision category along with Jatinder (if Jatinder is available for appointment). This consideration will be done against any unfilled or existing vacancy and in case no such vacancy exists then by reverting the junior most person. In case he is otherwise eligible, he shall be so appointed. This will be done within a period of eight weeks from the date of receipt of a certified copy of this order. In case of appointment, the applicant shall also be entitled to consequential benefits of pay fixation and seniority commensurate with his position in the merit list. No costs."

2. The review applicant has submitted that there was no vacancy in the year 2011-2012 and hence the applicant has been appointed against vacancy for the year 2012-2013. They have sought review of the judgment on this ground.

3. We have considered the aforesaid submissions. In our view, no case is made out for review as no error apparent on the face of the record has been pointed out by the respondents. In our judgment we have clearly held that the claim of the applicant was for the examination held on the basis of advertisement issued on 31.12.2011 to 06.01.2012 as the applicant was a candidate for that examination. We have further held that the claim of the applicant cannot be transferred to the next recruitment process. Moreover, in para 6 of our judgment we have also ordered that if no vacancy exists then the junior most person has to be reverted to accommodate the applicant.

4. Thus, there is no error in the judgment which needs rectification. Accordingly, this review application lacks merit and is dismissed as such.

(Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/