

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**Review Application No.180/00044/2018
in Original Application No.180/00297/2018**

Tuesday, this the 18th day of September, 2018

CORAM:

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Muraleedharan.K.V., S/o.Velayudhan,
Deputy Collector (Election),
Collectorate, Thrissur.
Residing at Poornashree,
Mannuthy P.O., Thrissur.

...Review Applicant

(By Advocate Mr.U.Balagangadharan)

V e r s u s

1. Sajan.C.V., S/o.Varkey.C.I.,
Deputy Collector (General),
Additional District Magistrate,
Collectorate, Thrissur (Retired).
Residing at Chungath Parekkat House,
P.O.Kaveed, Guruvayoor Municipality, Thrissur.
2. Union of India represented by Secretary to Government,
Ministry of Personnel, Public Grievances & Pension,
Department of Personnel and Training,
North Block, New Delhi – 110 001.
3. The State of Kerala
represented by Chief Secretary to Government,
Government Secretariat, Thiruvananthapuram – 695 001.
4. The Selection Committee
for Selection and Appointment to Indian Administrative Service
Constituted under Regulation 3 of the Indian Administrative Service
(Appointment by Promotion) Regulations, 1955
represented by its Chairman, Union Public Service Commission,
Shajahan Road, New Delhi – 110 069.
5. The Union Public Service Commission
represented by its Secretary,
Shajahan Road, New Delhi – 110 069.Review Respondents

O R D E R (Under Circulation)

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The applicant in the O.A claims that he was apprehensive that his impending retirement will preclude him from being considered for the vacancies of the year 2017-2018. After hearing the learned counsel for the applicant as well as the respective counsel for Respondent No.1, Respondent No.2, Respondent No.3 and Respondent No.4 orders were issued as below at the admission stage itself :

“ It is stated that the applicant retired from service on 28.2.2018. He had worked as Deputy Collector under the Revenue Establishment of the State of Kerala from 4.12.2008 onwards. Sri P.V.Mohan, learned counsel representing the applicant states that the applicant has an excellent chance to be promoted to IAS under the SCS quota. It is, therefore, made clear that the retirement of the applicant from State Service shall not preclude him from being considered for promotion to IAS under the SCS quota for the years 2017-18, if he is otherwise eligible. The OA is disposed of accordingly. No order as to cost.”

2. The review application has been filed by one Shri.Muraleedharan.K.V., Deputy Collector (Election), who submits that the order granted in O.A.No.180/297/2018 would lead to the wrongful inclusion of the applicant in O.A. Shri.Sajan.C.V., at the expense of the applicant in the R.A, Shri.Muraleedharan.K.V.

3. On a perusal of the order it is clear that the direction to the respondents in the O.A was only to the effect that retirement of the applicant in the O.A “shall not preclude him from being considered for promotion to IAS under SCS quota for the years 2017-2018, if he is otherwise eligible.” (emphasis supplied)

.3.

4. In no way can this be interpreted as a direction to select that applicant whereby the claim of anyone else would be jeopardised.

5. The provision under Rule 17(1) of CAT (Procedure) Rules states that a review application is to be filed within thirty days from the date of receipt of copy of the order sought to be reviewed. In this case there has been a long delay of 94 days in filing the R.A reasons for which have not been adequately explained.

6. The Review Application is dismissed on account of delay in filing the same as well as on the ground that no error apparent on the face of the record has been indicated warranting recall of the order in the O.A issued on 23.3.2018.

(Dated this the 18th day of September 2018)

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

asp

.4.

List of Annexures in R.A.No.180/00044/2018 in O.A.No.180/00297/2018

1. **Annexure RA-1** – True copy of the order dated 23.3.2018 in O.A.No.180/297/2018 of this Hon'ble Tribunal.
21. **Annexure RA-2** – True copy of the representation dated 12.4.2018 of the applicant to the Chief Secretary to Government of Kerala.
