

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

RA/310/0001/2019 in OA/310/00722/2016

Dated the 25th day of April Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

Dr.S.Selvarajan
S/o S.Shinnaraj,
No.59/5, Chinnammalkoil Street,
Pulikuthy (Post), Uthamapalayam(Taluk),
Theni (District), Tamilnadu (State),
Pin Code: 625520. .. Applicant
By Advocate **M/s.Menon, Karthik, Mukundan & Neelakantan**

Vs.

1. The Union of India, rep by
The Secretary,
M/o Health & Family Welfare,
Department of AYUSH,
Government of India,
B-Block, GPO Complex,
INA, New Delhi 110 023.
2. The Director,
Central Council for Research in Siddha,
Department of AYUSH,
M/o Health & Family Welfare,
Government of India,
SCRI Building, Anna Government Hospital Campus,
Arumbakkam, Chennai 600 106. .. Respondents

ORDER
(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

The applicant in OA 722/2016 has filed this RA 1/2019 seeking review of the order passed by this Tribunal in the above said OA dated 09.11.2018.

2. The above OA was filed by the applicant in RA seeking to quash the advertisement of the 2nd respondent therein dated 20.10.2012 for recruitment to the post of Assistant Director (Siddha) and consequently direct the respondents to confer the post of Assistant Director (Siddha) to the applicant based on the Advertisement No.1/2011 and selection made for the post Assistant Director (Siddha) as per the RTI information, with all monetary benefits. OA respondent filed a detailed reply. The said OA, after hearing both sides was dismissed by this Tribunal on 09.11.2018 with the observation that “it is specifically mentioned in the notification itself that the Director General has every right to cancel the selection to any post under clause 9 of the notification. The applicant is also very well aware of the above fact. So, we find that the respondents have not made out any malafide or irregularity on the part of the respondents in cancelling the notification. The respondents can very well get the cancellation ratified by the General Body and there is no evidence available to show that the General Body has not ratified it letter.”

3. The applicant in OA has now filed this RA seeking review of the order passed by this Tribunal in above said OA alleging that there was an error apparent on the face of the record in as much as this Tribunal has not considered the following facts:-

“According to the RA applicant, as per the bye-law the General Body is the appointing body for the post of Assistant Director (A.D.) Siddha as the post carries a grade pay of Rs.6600/-. Therefore, only the General Body can cancel the selection process. The Director General is not competent or has jurisdiction to take a decision to cancel the selection process as the same is not enumerated Article 59 of the Bye-Laws relating to his power and functions. It is also not the case of the respondents that the General Body has delegated the power to the Director General to cancel the selection process.” He had also cited some judgments of the Hon'ble Apex Court regarding the scope of review applications.

4. Therefore, it is prayed that the order dated 09.11.2018 passed in OA 722/2016 may be reviewed and set aside.

5. We have considered the plea raised in the RA. Eventhough he submits that there are patent errors, he has not succeeded in showing such patent errors. Much of the pleadings put forward in this RA were heard by us and orders were passed. A re-appreciation of arguments is not contemplated in a review application. He has also not produced any material new which he could not produce before the Tribunal before it was heard. Therefore, the grounds taken in the present RA could not be termed a subsequent discovery or something not in the knowledge of the RA applicants even after exercising due diligence. The case is, therefore, not fit to be taken up in review. We are of the view that since the matter has already been heard and disposed of by this Tribunal, no review is called for. No glaring omission, patent mistake or grave error is brought to our notice that would impinge on the

observations/directions contained in the order in the OA. We are not inclined to reopen the case. Accordingly, RA 1/2019 is dismissed.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

25.04.2019

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