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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A.NO.27/2004 in OA No.1656/2003

New Delhi, this the 16th day of August, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.K.NAIK, MEMBER (A)

1. Shri K.C.Pachori
S/o Shri Govind Ram
2. Shri Ram Pal Singh
S/o Shri Arjan Singh
3. Shri A.K.Bagh
S/o Shri J.N.Bagh
4. Shri Sohan Lal
S/o Shri Ram Swarup
5. Shri Shiv Charan
S/o Shri Sagar Chand
6. Shri Kesho Ram
S/o Shri Bagirath
7. Shri Hari Pal Singh
S/o Shri Karan Singh
8. Shri Swatantra Parkash Gupta
S/o Shri Chander Prakash
9. Shri Ganga Bishan
S/o Shri Mohan Lal
10. Shri Duraga Prashad
S/o Shri Ganesh Lal

(All are employed as Binders in the Govt.of India Press. Faridabad) ... Applicants

(By Advocate: Shri D.R.Gupta)

versus

Union of India through

1. The Secretary
Ministry of Urban Development & P.A.
Nirman Bhavan, New Delhi.
2. The Director of Printing
Ministry of Urban Development & P.A.
Nirman Bhawan, New Delhi.
3. The Manager
Govt.of India Press
Faridabad.
4. Shri Yugal Kishore, Reader
Govt.of India Press
Faridabad. Respondents

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(By Advocate: Mrs. Shail Goel for official respondents
1 to 3 and None for respondent No. 4)

ORDER

Justice V.S. Aggarwal:-

Applicants had filed OA 1656/2003. The same was dismissed by this Tribunal on 3.12.2003. They were seeking to declare the provisions of the recruitment rules in so far as they pertain to the recruitment of Section Officer (Bindery)/Time Checkers (Bindery) by absorption of Section Holder (Case), Time Checker (Case), Section Holder (Mono-Caster) and Readers/Revisers, as unconstitutional. They were also seeking quashing of the office circular of 30.5.2003 in so far as it pertained to training of Shri Mohar Singh, Section Holder (Case); Shri Gobind Prasad, Section Holder (Case) and Yugal Kishore, Reader and further for a direction to consider the claim of the applicants for promotion in accordance with the recruitment rules.

2. By virtue of the present application, the applicants seek review of the above said order.


3. The principle in law is not in controversy. Review is permissible if certain material on record is not taken into consideration. In that event, it shall be taken to be an error apparent on the face of the record. To the same effect is the decision of the Supreme Court in the case of GREEN VIEW TEA & INDUSTRIES v. COLLECTOR, GOLAGHAT, ASSAM AND ANOTHER, (2004) 4 SCC 122.



4. Learned counsel for the applicants has contended that the applicants are in the feeder cadre of Binders and have rendered more than 24 years of service as Assistant Binders and Binders. They are, therefore, eligible for promotion to the post of Section Holder (Bindery)/Time Checker (Bindery). In particular, our attention was drawn to the averments made at sub-clauses (a) and (d) of Paragraph 4.3 of the OA to contend that there was no specific denial in the counter reply. It is also stated that any change in the rules which effects the rights of the applicants, would offend Articles 14 and 16 of the Constitution. These facts have not been considered in the order that was passed by this Tribunal. It would be proper, therefore, to correct the error apparent on the face of the record.

5. Resultantly, we accept the present Review Application and recall our order dated 3.12.2003.

6. The Original Application be listed for regular hearing in its turn.


(S.K. Naik)
Member (A)


(V.S. Aggarwal)
Chairman

/NSN/