

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA No. 47/2005

In

OA NO. 1114/2003

New Delhi, this the 7th day of March, 2005

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)**

1. Sh. V.P. Gupta,
Assistant Commissioner of Police,
A-87, Derawala Nagar,
Delhi - 110 009.
2. Sh. R.K. Joshi,
Assistant Commissioner of Police,
Block No. 21, House No. 109,
Lodhi Colony, New Delhi.

...Applicants

-versus-

Union of India through

1. Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Commissioner of Police,
Police Headquarters,
New Delhi - 110 002.
3. Union Public Service Commission through,
Chairman,
Dholpur House, Shahjahan Road,
New Delhi - 110 002.

...Respondents

ORDER (BY CIRCULATION)

Justice V.S. Aggarwal, Chairman:

Applicants had filed the Original Application No. 1114/2003. It was dismissed on 11.01.2005 on the grounds (a) as yet decision of the Departmental Promotion Committee is subject to final approval and application is pre-mature; (b) the applicants do not have a just grievance.

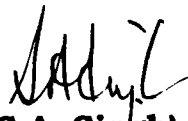
2. The applicants seek review of the said order.

LS Ag

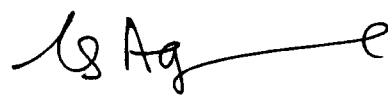
3. Reference has been made to certain Miscellaneous Applications contending that even in the Miscellaneous Applications it had been pointed that the matter should be stayed while this Tribunal had recorded otherwise. The contention must be rejected because what has been recorded is that it was suggested to the parties that keeping in view the other matter pending in the Delhi High Court, we could request the Delhi High Court to take the present matter on its file but the same was not agreeable to either party. It is different from stating that hearing may be stayed during pendency of the Writ Petition in the Delhi High Court. Otherwise also, what is recorded is what happened before the Bench rather than on basis of an application.

4. Otherwise also, reference to Miscellaneous Applications would be inappropriate because when Original Application is decided, Miscellaneous Applications, when not pressed, will not be material to be gone into. When Original Application has been dismissed being premature and that applicants have no right as yet, it would be an exercise in futility to express ourselves on other contentions.

5. On appraisal of the facts, we find that the Original Application has been dismissed on a particular fact, to which we have already referred to above, we find no ground to go behind the same or to record that there was error apparent on the face of the record. Therefore, Review Application must be dismissed in circulation.


(S.A. Singh)
Member (A)

/Na/


(V.S. Aggarwal)
Chairman