

28

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

**RA-144/2005
In
OA-1442/2004
MA-1348/2005**

with

**RA-145/2005
In
OA-1823/2003
MA-1347/2005**

New Delhi this the 20th day of July, 2005.

**Hon'ble Shri Shanker Raju, Member(J)
Hon'ble Shri S.A. Singh, Member(A)**

RA-144/2005

National Council of Educational Research
& Training through
its Secretary,
Aurobindo Marg,
New Delhi-110016.

.... Review Applicant

Versus

1. Sh. Paras Ram,
S/o Sh. Ami Chand,
R/o Village and Post Office,
Mandhawali,
District Faridabad
(Haryana).
2. Sh. Ravinder Singh,
S/o late Sh. Balbir Singh,
R/o Type-II/1, NIE, NIE Campus,
Sir Aurobindo Marg,
NCERT,
New Delhi-16.
3. Union of India through
Secretary,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi.

he

29

4. Prof. V.K. Jain,
Controller of Examination,
DEME NCERT,
Sri Aurobindo Marg,
New Delhi.

.... Respondents

RA-145/2005

National Council of Educational
Research & Training through
Its Secretary,
Aurobindo Marg,
New Delhi-16.

..... Review Applicant

Versus

1. Shri Paras Ram,
S/o Sh. Ami Chand,
R/o Village and Post Office,
Mandhawal,
District Faridabad(Haryana).
2. Sh. Ravinder Singh,
S/o late Sh. Balbir Singh,
R/o Type-II/1, NIE,NIE Campus,
Sri Aurobindo Marg,
NCERT, New Delhi-16.
3. Union of India through
Secretary,
Ministry of Human Resources Development,
Shastri Bhawan,
New Delhi.
4. Prof. Ved Prakash,
Former head of DEME NCERT,
Presently working as Advisor.
Education Planning Commission,
Yojana Bhawan,
New Delhi.
5. Sh. Sushil Kumar,
S/o sh. Jalim Singh,
R/o C-8, Gaurav Apartments,
EP Extension,
Patparganj.
6. Sh. Krishna Kumar,
S/o R.C. Singh,
31-B, DDA Flats,
New Kondli, Delhi.

7. Mrs. Tulika Verma,
W/o Sh. Rahul Verma,
18, Type-II,
NCERT Campus,
New Delhi-64.
8. Mrs. Kiran Juneja,
W/o Rakesh Juneja,
A-308, Shivalik,
Malviya Nagar,
New Delhi.
9. Mrs. Karunesh Gambhir,
W/o sh. M.K. Gambhir,
42/9, Ashok Nagar,
New Delhi.
10. Sh. Madan Singh Yadav,
S/o late Sh. J.S. Yadav,
R/o RZ-23E/7B, Street No.17,
Indra Park, Palam Colony,
New Delhi.
11. Sh. Rajesh Kumar,
S/o Phool Singh,
R/o H.No. E-8/1, Siddharth
Nagar, P.O. Jangpura,
New Delhi.
12. Sh. Devinder Kumar,
S/o Sh. Siri Ram,
R./o BE 342 A, Gali No.2,
Hari Nagar, New Delhi-64.
13. Sh. Manish Singhal,
S/o Sh. S.C. Lal,
R/o MIG Flat No.10,
Pocket B-8, Sector-4,
Rohini, Delhi-85.
14. Sh. Ashish Jain,
S/o Sh. Y.K. Jain,
R/o 186, Chander Vihar,
Mandawali Fazalpur,
Delhi.
15. Sh. Ratnesh Kumar,
S/o Sh. Sidhath Sharma,
R/o H-203,(Type-II),
Kali Bari Marg,
New Delhi.

..... Respondents.

ORDER (By Circulation)

Hon'ble Shri Shanker Raju, Member(J)

RA-144/2005 and RA-145/2005 have been filed by the respondents in the OAs against a common order passed on 22.7.2004 in OA-1823/2002 and OA-1442/2004. These RAs are being disposed of with this common order.

2. Two selections pertaining to the post of Assistant in NCERT have been assailed. During the course of hearing of the OAs, in view the preliminary report on various irregularities in the selection process and in the wake of analysis of Assistant examination, finding large scale illegalities and irregularities, both the selections had been set aside with further direction to the respondents to hold the selection through an independent agency and with an imposition of cost and enquiry against the concerned.

3. The main ground assailed is that Ministry of Human Resources & Development, vide its order on 22.11.2004, set up a Committee consisting of Mr. Satyam to enquire into the first and second selection process with the submission of report on 04.02.2005. It was found that there were some irregularities which crept into the conduct of the first selection process. In so far as the second selection process is concerned, there were no irregularities. As such, it is stated that the direction regarding quashing of second selection process and to hold the section through an independent agency and imposition of costs of Rs. 10,000, be reviewed.

4. We have carefully considered the grounds taken in the RAs. The following observations have been made by the Apex Court in *Union of India vs.*

32

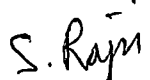
Tarit Ranjan Das, reported in 2004 SCC (L&S) 160:-

"The Tribunal passed the impugned order by reviewing the earlier order. A bare reading of the two orders shows that the order in review application was in complete variation and disregard of the earlier order and the strong as well as sound reasons contained therein whereby the original application was rejected./ The scope for review is rather limited and it is not permissible for the forum hearing the review application to act as an appellate authority in respect of the original order by a fresh order and rehearing of the matter to facilitate a change of opinion on merits. The Tribunal seems to have transgressed its jurisdiction in dealing with the review petition as if it was hearing an original application. This aspect has also not been noticed by the High Court."

5. Any subsequent event after the order has been delivered cannot be a ground to re-agitate the matter or for its re-examination. As constitution of Satyam Committee is a subsequent event[✓] and its report is also after the orders have been passed, it would in no manner require reconsideration of the judgment, which has been delivered on the basis of material available.

6. These RAs do not fall within the ambit of Section 22(3)(f) of Administrative Tribunals Act, 1985 and the same are accordingly dismissed in circulation.


(S.A. Singh)
Member(A)


(Shanker Raju)
Member(J)

/vv/