

(1)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

RA NO.217/2004

In

OA NO.2326/2003

HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

This, the 9th day of August, 2004.

Anand Prakash & Anr.

... Applicants

-versus-

Union of India & Ors.

... Respondents

O R D E R (BY CIRCULATION)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A) :

By virtue of this application, applicants have sought review of order dated 8.7.2004 in OA No.2326/2003.

2. It has been pointed out on behalf of the applicants that order dated 22.4.2004 of the Bangalore Bench of this Tribunal squarely covers applicants' OA but applicants were not given benefit of the same on the ground that clarification on Doubt No.55 provided in OM dated 18.7.2001 of DoPT was not considered by the Bangalore Bench. It has been stated on behalf of applicants that it was not applicants' duty to bring clarification 55 to the notice of the Bangalore Bench. Applicants have relied upon DoPT circular dated 10.2.2000 for seeking benefit allowed by the Bangalore Bench of the Tribunal.

3. We have considered the contentions raised on behalf of applicants and gone through our orders as also the material on record. It is immaterial whether or not it was the responsibility of applicants to bring DoPT OM dated 18.7.2001 to the notice of the Bangalore Bench. The fact is that order of the Bangalore

Vh

Bench had not considered the contents of the DoPT OM dated 18.7.2001 which had referred OM dated 10.2.2000 relied upon by the applicants and clarified a situation obtaining in the case of applicants. Obviously, DoPT OM dated 18.7.2001 would supersede OM dated 10.2.2000 and apply to applicant's matter. Furthermore, OM dated 18.7.2001 had not been challenged by the applicant.

4. Next, the applicants have now stated that respondents have not restructured applicants' cadre. Respondents had taken the plea that applicants' cadre had been restructured but the recruitment rules had not been amended. This contention had not been controverted on behalf of applicants. The contents of the OM dated 18.7.2001 in regard to doubt No.55 relate to such a situation.

5. Tribunal's orders have been passed on findings made on the basis of OM dated 18.7.2001 as also the restructuring. We do not discover any error apparent on the face of record. Furthermore, this application is merely an attempt to re-argue the case which is not within the scope of a review petition. Accordingly, this Review Application is dismissed in circulation.


(Shanker Raju)
Member(J)

/as/


(V.K. Majotra)
Vice-Chairman(A)