

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

R.A.No.231/2004



IN

OA No.221/2003

New Delhi: this the 10th day of April, 2005

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

1. Shri Anil ~~Sagay~~
S/o Shri Ramji Lal
R/O 705/iA
Flat No A-4, Ganga apartment,
Ward No. 3 Mehrauli, New Delhi.
2. Shri Vikram Singh Arya,
S/o Shri N.S. Arya,
R/o M-17, Laxmi Nagar,
Delhi – 110092
3. Shri Sunil Duggal,
S/o Shri Shanker Lal,
R/o BD-971 Sarojini Nagar,
New Delhi-110023.
4. Shri Ram Meena
S/o Sh. Kedar Pd. Meena.
C/o 705/IA Flat No. A-4 Ganga Apartment.
Ward No. 3 mehrauli, New Delhi- 110030.
5. Shri Sandeep Kumar,
S/o Sh. Bakshi Ram.
R/o 636, Krishi Kunj,
IARI, Pusa, New Delhi.
6. Shri Balwant Rai,
S/o Babu Ram,
R/o H-19/72, Sector – 7,
Rohini New Delhi.
7. Shri Subhash Chand,
S/o Shri Lal Singh,
C/o M-17, Laxmi Nagar,
Delhi – 110092.
8. Shri Sunil Badolia,
S/o Tirath Ram,
R/o CA/11, WEA, Karol Bagh,
New Delhi.
9. Shri Bhagwati Prasad,
S/o Sh. Suraj Singh,]
C/o CA/11, WEA Karol Bagh,
New Delhi.

.....Applicants.

(By Advocate: Shri L.K.Singh)

VERSUS

1. Govt of India,
Ministry of Communications
Department of Telecommunication,
Through its Secretary,
Sanchar Bhawan, 20, Ashok Road,
New Delhi.
2. Department of Telecommunication,
Through the Chief General Manager Telephones,
Northern Telecom Region,
Kidwal Bhawan,
New Delhi.
3. Mahanagar Telephone Nigam Limited.
Through the Chief General Manager Telephones,
K.L. Bhawan, New Delhi. – 110050.

..... Respondents.

(By Advocate : Shri Satish Kumar, proxy for
Shri V.K. Rao)

ORDER

BY HON'BLE MR.S.A.SINGH, MEMBER (A):

The review applicants have filed the present RA for review of Tribunal's order dated 15.7.2004 in OA No.221/2003. Counsel for the review applicants has argued on the grounds that in paras 14 and 15 of the order, the Tribunal proceeded on the premise that two written examinations were conducted to fill up the posts for the year,1993 and the subsequent advertisement. It is the pleading of the applicants that the discussion in paras 14 and 15 is contrary to the records as the applicants have specifically and categorically pleaded in para 4 (iii) of the OA that they had applied against the advertisements of March, 1995 and November, 1995 and had also applied against the subsequent advertisement of the Special Drive for filling up the backlog of SC/ST vacancies and they had appeared and qualified in the Special Drive examination conducted earlier. There were no occasion or reason for them to sit in the subsequent examination in respect of the first two advertisements held on 13/14.7.1996. They have further pleaded that the third advertisement of the Special Drive was in respect of backlog vacancies but it pertained to vacancies prior to 1993 or even before that. Moreover, none of the examinations were held in 1993. Hence there is nothing on record to suggest that there were two examinations pertaining to recruitment year, 1993.



2. The applicants contended that a perusal of the judgment of the Tribunal in OA No. 1557/2000 filed as Annexure A-14 to the OA shows in para 6 that the third advertisement did not require any specific year to be mentioned. In view of the above, there is an error apparent on the face of record in as much as the Tribunal has not considered the decision in the earlier OA No.1557/2000 pertaining to the three advertisements in total and this was required to be considered.

3. There is also an error of law apparent on the face of the record in so far as the interpretation of the recruitment rule is concerned, since the rule is totally silent concerning the manner of fixation of seniority of the JTOs.

4. Counsel for the respondents strongly contested the review application of the applicants stating that as per law, the review is permissible only under the circumstances when there is an error apparent on the face of record or on certain new facts, which were not brought to the notice of the Tribunal at the time of passing the order. The various contentions raised in the review application have already been raised and argued at length at the time of final hearing of the OA and as such in the absence of any new ground or error of law, the same cannot be reviewed.

5. The respondents argued that the observations of the Hon'ble Tribunal in para 18 of the judgment are unambiguous and mentions in clear terms that the inter se seniority of a single class i.e. the direct recruits has to be governed on the basis of marks obtained by them and as such the para has dealt with these aspects very distinctly and clearly and needs no review.

6. We have heard the learned counsel for the parties and have gone through the documents placed on record.

7. The review applicants have raised the same issues that they raised in the original application. The contentions raised by the review applicants have been fully taken into consideration while making the order dated 15.7.2004.

8. Review is only permissible from the discovery of new and important matters or evidence, which after the exercise of due diligence was not within his knowledge or could not be produced by the applicant at the time when the order was passed or on account of some mistake or error apparent on the face of the record of any other sufficient

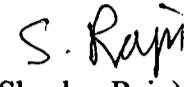
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reason. The review applicants have failed to show any error that is apparent on the face of record. They are only trying to reargue the case, which is not permissible.

9. In view of the foregoing the review application is without merit and is dismissed.


(S.A.Singh)
Member(A)


(Shanker Raju)
Member (J)

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