

(2024) 09 KL CK 0001

In the High Court Of Kerala

Case No : Review Petition No. 804 Of 2024 in Original Petition (CAT) No.345 Of 2017

P.Sundarambal

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 06-09-2024

Acts Referred:

Citation : (2024) 09 KL CK 0001

Hon'ble Judges : Amit Rawal, J;Easwaran S., J

Bench : Division Bench

Advocate : C.S.Gopalakrishnan Nair, T. V. Vinu, V.Girishkumar

Final Decision : Dismissed

Judgement

Easwaran S., J.

1. Aggrieved by the judgment dated 10.7.2024 in allowing OP(CAT) No.345/2017, the respondent in the original petition has filed the present review petition. The issue pertains to the right of the review petitioner/respondent to seek promotion from the date of arising of the vacancy/finding of eligibility. Either way, by the judgment under review, this Court found that the review petitioner is not entitled to promotion as claimed and would be entitled only from the date of the order passed by the Departmental Promotion Committee. In the review petition, it is contended that certain documents, which were part of the record before the Central Administrative Tribunal, were not produced by the Union of India/petitioners. Had this Court perused those materials, this Court could not have allowed the original petition.

2. At the outset itself, we note that the grounds stated in the review petition will not qualify itself to be an error apparent on the face of the record entitling the petitioner to maintain the review petition. A perusal of the grounds stated by the petitioner would necessarily show that what is attempted is re-hearing of the original petition.

3. However, despite this embargo, in order to ascertain as to whether the review petitioner was justified in raising these grounds for review, we had sought for the documents from the counsel for the review petitioner and perused the same. The review petitioner asserted before this Court that she had filed the documents through a statement by the counsel. However, we hasten to add that those documents were not available on record at the time when the original petition was considered by us. Nor those documents were produced along with the review petition. Still, we required the learned counsel for the review petitioner to make available those documents in order to ascertain as to whether our decision could have changed had these documents were produced on record.

4. The review petitioner has mainly relied on a letter dated 17.6.2015, which is obtained under the Right to Information Act. A perusal of the letter shows that there were altogether 81 (eighty-one) vacancies for the year 2010-11, and the Departmental Promotion Committee conducted the meeting and issued order dated 28.11.2014. The minutes of the Departmental Promotion Committee were annexed along with the letter referred to above obtained under the Right to Information Act. A further perusal of the document shows without any doubt that the review petitioner/respondent was eligible for promotion for the year 2010-11. However, it is an admitted fact that the Departmental Promotion Committee was convened only in 2014 and recommended the case of the review petitioner. Therefore, the above document shows that, no doubt, the vacancies were available, and the Departmental Promotion Committee had considered the case of the review petitioner for the year 2010-11. Even if these documents were made available before us at the time we had rendered the judgment, it would not have persuaded us to take a different view other than what we had taken in the judgment under review. The learned counsel for the review petitioner also asserted before us that a Co-ordinate Bench of this Court had confirmed the order passed by the Central Administrative Tribunal in similar facts and circumstances. However, we had already found that in the judgment under review, the impact of the judgment of the Hon'ble Supreme Court was not brought to the notice of the earlier Co-ordinate Bench which rendered the judgment. At any rate, the document now placed before us would not have improved the case of the review petitioner. The fact remains that no statutory rules have been brought to our notice which enabled the review petitioner to claim that the promotion should be granted to her from the date on which she became eligible.

5. In view of the above discussions, we find no error apparent on the face of the record warranting review of our judgment dated 10.7.2024.

The review petition lacks merits and, accordingly, dismissed.