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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**R. A. No.137 of 2011 in
C. P. No.825 of 2010 in
O. A. No.558 of 2002**

With

**R. A. No.138 of 2011 in
C. P. No.826 of 2010 in
O. A. No.630 of 1997**

This the 12th day of May, 2011

HON'BLE SHRI JUSTICE V. K. BALI, CHAIRMAN

HON'BLE DR. RAMESH CHANDRA PANDA, MEMBER (A)

R.A. No.137/2011 in C.P. No.825/2010

Subhash C. Sharma

... Applicant

Versus

Rakesh Mehta, Chief Secretary,
Government of NCT of Delhi

... Respondent

R.A. No.138/2011 in C.P. No.826/2010

Ved Prakash Garg

... Applicant

Versus

Rakesh Mehta, Chief Secretary,
Government of NCT of Delhi

... Respondent

ORDER (in circulation)

Justice V. K. Bali, Chairman:

By this common order, we take in hand for disposal two review applications, i.e., R.A. No.137/2011 in C.P. No.825/2011 and R.A. No.138/2011 in C.P. No.826/2011, as the review applications are founded on same or similar grounds.

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2. The contempt petitions were disposed of by a well reasoned and speaking order taking into consideration all aspects of the case and the submissions made by learned counsel for the applicants. Since every aspect of the case subject matter of the contempt petitions has been threadbare discussed, there would be no need to make reference to the facts. Briefly, it may, however, be said that the applicants claim seniority over and above those whose cases were kept in sealed cover while considering their and others promotion on the post of Deputy Superintendent-II. The applicants were also promoted but on *ad hoc* basis. The controversy in issue was concentrated on permissibility of regular promotion to the applicants instead of promotion on *ad hoc* basis. It has been throughout the case of the respondents that *ad hoc* promotions were given to the applicants only for the reason that some of the persons senior to them were either facing departmental or criminal action, and their cases were thus kept in sealed cover. Be it in the Original Application or in the order in Contempt Petition, it has been held that on exoneration of those whose cases might have been kept in sealed cover, promotion would be accorded to them from the date when they were considered for promotion but their cases were kept in sealed cover. If there may be regular vacancies available, it has been further held that those who may be below in seniority, would be given regular promotion, but when seniors are exonerated, and no regular vacancy had arisen by that time, they would be pushed down/reverted, but if vacancies may have arisen

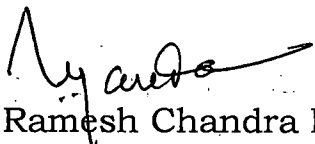
on regular basis, they would continue to occupy the promotional posts. However, such persons who may have been promoted only because of the cases of their seniors might have been kept in sealed cover, cannot steal a march over the seniors for the only reason that the order of promotion in the case of seniors came to be passed later, even though with effect from the date their cases were kept in sealed cover. The applicants have been clamouring to be senior to those whose cases were kept in sealed cover. This aspect of the case has been, as mentioned above, thoroughly dealt with by us in the O.A. of Ved Prakash Garg and by speaking order while disposing of the contempt petitions.


3. In the review applications filed on behalf of the applicants, it is urged that even on the post of Assistant Superintendent (Jail), the applicants were senior to those whose cases were kept in sealed cover. This aspect of the matter has also been taken care of in the order disposing of the contempt petitions. The applicants would reiterate that they were senior to those whose cases were kept in sealed cover even in the post of Assistant Superintendent (Jail), and would have number of grounds to add, including the blame on this Tribunal that even though, the counsel for the applicants was permitted to submit written arguments when the order was reserved on 20.1.2011, the judgment came to be pronounced on 28.1.2011 without awaiting the written arguments on behalf of the applicants. We have specifically mentioned in the

order in contempt petitions that the counsel was asked to give written arguments but he would not give the same. Not giving written arguments for as many as eight days, it appears, has been taken as if as a right of the applicants, and giving a quick decision has been considered to be something wrong. We do not want to join any issue on this score with the applicants, but for to simply state that written arguments, if required to be given, need to be given in time.

4. We have gone through the entire pleadings in the memorandum of review. Whereas, there is no scope whatsoever to review the matter on the basis of some arguments which were raised and have been dealt with by us, there would be no scope even for such arguments which were never raised, and have been taken for the first time in the review applications.

5. Finding no merit in these review applications, we dismiss the same in circulation.


(Dr. Ramesh Chandra Panda)
Member (A)


(V. K. Bali)
Chairman

/as/