

Central Administrative Tribunal
Principal Bench, New Delhi

R.A.No.185/2002

M.A.1767/2002

IN

OA No.1085/2002

This the 24th day of June, 2003

HON'BLE SHRI GOVINDAN S.TAMPI, MEMBER (A)

Mahinder Pal

...Applicant

(By Advocate: None)

Versus

Govt. of NCT of Delhi & Ors.

..Respondents

(By Advocate: Shri Harvir Singh)

O R D E R

RA-185/2002 has been filed by the respondents in the OA seeking the recall and review of Tribunal's order dated 29.4.2002 issued while disposing of OA-1085/2002.

2. MA-1767/2002 has been filed seeking the condonation of delay which is allowed in the interest of justice.

3. OA-1085/2002 had been filed by as many as fourteen applicants, who were working as Home Guards seeking Tribunal's interference against discharging them from service though all of them had got tenures, which, according to them, were to extend to various dates in 2003-04. The same was disposed of by my order dated 29.4.2002 which reads as under:-

"3. I have considered the matter and I am convinced that in the interest of justice would be served by directing the respondents to act in accordance with the decisions of the Tribunal in OA 270/2002 issued on 5.3.2002 and followed in other OAs No.1994, 2627, 2657, 2850 of 2001 and 3105/2001 dated 20.3.2002 and 22.3.2002,

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I order accordingly, without issuing any notice to the respondents. The respondents shall act in accordance with the decisions of the Tribunal in above OAs and they shall not dispense with the services of the applicants before their terms extended upto various dates in 2003-04 are over"

4. The above order was passed without issuing notice to the respondents (review applicants), as the directions sought were those similar to which were given by the Tribunal in earlier OAs. Now, the review applicants indicate that the Tribunal was misled by the averments by the original applicants indicating that the tenures of the applicants were not extended to 2003-04 and, therefore, the decision arrived at was wrong.

5. Notice in the present RA had been issued to the respondents (original applicants) and it is found that the service is also complete, however, no reply has been filed by them, indicating that they have nothing to state.

6. Heard Shri Harvir Singh, learned counsel for the review applicants, who had reiterated his pleas in the review application. He has also indicated that there was none among the applicants whose tenure has been extended to 2003-04, as presented by them before the Tribunal earlier. If the decision be so, the Tribunal had indeed been misled which led an error crept in into the order dated 29.4.2002.

7. In the above circumstances, order dated 29.4.2002 is recalled and on review, I direct that the respondents

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would be free to take any action as available in law,
once the period of the existing tenures of the applicants
end.

8. RA is accordingly disposed of.

(Govindan S. Yampi)
Member (A)

/sunil/