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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

RA NO. 252/2003 IN
OA NO. 3156/2001
MA NO. 1863/2003

This the 13th day of April, 2004

HON'BLE SH. SHANKER RAJU, MEMBER (J)
HON'BLE SH. R.K.UPADHYAYA, MEMBER (A)

Haroon Rashid Gilani

(By Advocate: Sh. Syed Tanweer Ahmed)

Versus

The Director of Education
Government of NCT of Delhi

(By Advocate: Sh. Mohit Madan proxy for
Mrs. Avnish Ahlawat)

O R D E R (ORAL)

By Sh. Shanker Raju, Member (J)

In this case though the respondents have not filed their reply yet Sh. Mohit Madan, learned proxy counsel for respondents was heard. He states that consequential benefits have been deprived to a similar circumstances in OA-2573/2001 Neelam vs. Govt. of NCT of Delhi decided on 21.10.2002.

2. On the other hand, learned counsel for the respondents states that as it has been observed in the order that the case of the applicant is on all fours covered by the decision in Birbal Singh Poonia's case. There is an error apparent on the face of record so far as consequential benefits are concerned.

3. After carefully going through the rival contentions of the parties keeping in view the decision of the Apex Court in Surjit Singh vs. Union of India reported in 1997 (10) SCC 592 where it is held that if a mistake is committed that must be corrected by way of review.

4. We find from the perusal of the order that while allowing the OA, the Tribunal has observed the case of the applicant as squarely covered in all fours by the decision of the Poonia's case (supra) where consequential benefits including back wages and seniority have been awarded. While allowing the OA the directions were given in the present OA to offer appointment to the applicant but there is no observation as to the consequential benefits. The decision in Neelam's case (supra) would be distinguishable as therein consequential benefits though prayed for have been specifically denied and in view of a statement by the counsel for applicant that he will not claim the arrears as a consequential benefits thus benefits have not been accorded.

5. Whereas in the present case neither statement made by the counsel for applicant nor Court has observed that applicant has accorded any such finding. In this view of the matter, we have no hesitation in holding that there is an error apparent on the face of record in so far as award of consequential benefits to the applicant. This finding has been left out though the decision in Poonia's case was relied where consequential benefits have been accorded.

6. We allow this review and modify the decision to the extent that an offer of appointment applicant shall also be entitled to all consequential benefits including backwages which may be accorded within 3 months from the date of receipt of a copy of this order.

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7. MA for condonation of delay is allowed for the above reasons.

R.K. Upadhyaya

(R.K. UPADHYAYA)
Member (A)

S. Raju

(SHANKER RAJU)
Member (J)

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