

Central Administrative Tribunal
Principal Bench: New Delhi

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R.A. 2/2002 In
O.A. 447/1999

This the 19th day of August, 2002

Hon'ble Shri V.K. Majotra, Member (A)

Hon'ble Shri Shanker Raju, Member (J)

Dr. N.K. Paul,
R/o B-391, Nirman Vihar,
New Delhi-110 092.

-Applicant

(By Advocate: Dr. D.C. Vohra)

Versus

Union of India
Through,
The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi-110 001

-Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Respondents in OA-447/99 have filed this application seeking review of order dated 12.2.2001. They have also filed MA-10/2002 seeking condonation of delay in filing the review application. In the interest of justice, delay is condoned in filing the MA.

2. OA-447/99 was allowed on 12.2.2001 with the following observations/directions:-

"" In the result, the OA succeeds and orders dated 12.4.95, 7.4.97 and 29.7.97 (Annexures-A1, A2 & A3 respectively are quashed and set aside and the respondents are directed to accord *in situ* promotion to the applicant as CMO as per the recommendations of the DPC held on 12/13.8.1987 promoting him against a vacancy for the year 1984 and placing him above Dr. (Smt.) I Sahai and below Dr. P.K. Mukherjee. It is clarified that his pay would be nationally fixed on *in situ* promotion as CMO in 1984 for the purpose of revising his pension accordingly. The respondents are further directed to revise and pay him retiral benefits within a period of three months from the date of communication of this order. No costs".

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3. Petitioners who were respondents in the OA have stated that a typographical error had crept in the order dated 7.4.97 (Annexure RA-2) issued by the respondents in compliance of directions contained in order dated 6.1.97 in OA-589/94 to the effect that instead of 'for the vacancies for the year 1986' the words 'for the vacancies for the year 1984' was wrongly typed. According to them, it was a bonafide mistake. Learned counsel Shri A.K. Bhardwaj further stated that this typographical error could not be pointed out by the Tribunal and identical typographical error crept in the order in question. He showed us order dated 7.4.97 in which it has been stated, "this DPC recommended your name in the panel of officers for promotion as Chief Medical Officer for the vacancies for the year 1984 and recommended that you should be placed above Dr. (Smt.) I. Sahai and below Dr. P.K. Mukherjee." We have checked up with the original record of the DPC meeting held on 12/13.8.87. The names of Sahai, Mukherjee and Pal have been placed in the panel for the year 1986. It is also found that none of these persons were placed in the panel for the year 1984.

4. Learned counsel of the opposite side Dr. D.C. Vohra fairly stated that if the records reveal that contention of the petitioner is correct, he would not have anything to say against that.

5. Finding that in their Memorandum dated 7.4.97, petitioners who were respondents in OA-447/99 had mentioned the year '1984' instead of the year '1986' and also having verified from the DPC records that Dr. N.K. Pal, Dr. (Smt.) I. Sahai and Dr. P.K. Mukherjee were empanelled for the year 1986 and not for the year 1984. We are satisfied that typographical error as stated by the petitioner has indeed crept in in the Tribunal's order. The Tribunal's order,



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therefore, has to be corrected after noticing this error apparent. It is ordered that in paragraph-7 of Tribunal's order dated 12.2.2001 in line.14 in place of the figure '1984' the figure '1986' be substituted. Similarly, in paragraph-9 in line.7 as well as line.10 in place of figure '1984' the figure '1986' be substituted. The Registry is directed to make the corrections as directed above and issue the corrected copies of the order dated 12.2.2001.

6. The R.A. is disposed of in the above terms. No costs.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.