

Date

Office Report

Orders

Item No.6
3.6.97

R.A. NO.254/95 in OA No.268 & 269/94

PRESENT: Shri G.D. Gupta, counsel
for the applicants.

Shri Surat Singh, counsel
for the respondents.

Heard both the counsel.
R.A. 254/95 has been filed by the appli-
cants in O.A. Nos. 268/94 & 269/94,
which have been disposed of by order
dated 3.12.94.

2.. Pleadings in this case are
complete. During the pendency of the
aforesaid O.A.s, the respondents had
produced an order dated 7.4.94 in which
the applicant No.2 had been promote
w.e.f. 7.4.94 and ordered to report
for duty on or before 30.4.94. In
the case of applicant No.1, the ld.
counsel submits that by office order
dated 16.8.94, he was promoted as P.G.I.
w.e.f. that date and asked to report
for duty. The ld. counsel submits
that the DPC which had recommended
their promotion was in fact a review
DPC and therefore their promotion should
relate back to a prior date, that is,
1992 and/or 1993 as the case may be.
He draws our attention to para 4.15
of the reply filed by the respondents
in which they have stated that on
receipt of representations, the Direc-
tor of Education ordered that the case

contd..

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of the applicant (i.e., applicant No.2) may be placed before DPC. The Tribunal in the impugned judgement dated 3.12.94 has not referred to or taken into account the subsequent promotion orders passed in 1994 pertaining to the applicants which appears to be a relevant fact. After careful consideration of the submissions and the records, we therefore find that this is one of the exceptional cases falling under the provisions of Order 49, Rule 1 read with Section 22⁽²⁾(f) of the CAT (Procedure) Rules 1987 which justifies allowing the R.A.

3. The R.A. No.254/95 is accordingly allowed. Judgement dated 3.12.94 in O.A.S 268/94 and 269/95 is recalled and the O.A.s are restored to file.

These O.A.s may be listed in turn.

/avi/

(R.K. AHOOJA)
M(A)

(SMT. LAKSHMI SWAMINATHAN)
M(J)