

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 applicants 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 promoted 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 1d. counsel submits that by office order dated 16.8.94, he was promoted as P.G.T. w.e.f. that date and asked to report for duty. The 1d. 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 Director of Education ordered that the case

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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(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.

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(R.K. AHOOJA)
M(A)

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(SMT. LAKSHMI SWAMINATHAN)
M(J)