

(16)

Central Administrative Tribunal, Principal Bench

Review Applications Nos.7 & 13 of 2001
(in OAS.Nos.2008 & 2058 of 1996)

New Delhi, this the 15th day of January, 2001

(1) Review Application No.7 of 2001
(in OA.No.2008 of 1996)

Shri Satyandra Dabas Son of Shri Hoshiar Singh, Head Constable, Department of Delhi Transport, Govt. of NCT of Delhi, 5/9 Underhill Road, Delhi, Resident of Village & Post Office, Majra Dabas, Delhi-110081 - Review-applicant

IN

O.A.No. 2008 of 1996

1. Ashok Kumar Kaushik, Son of Shri Ram Kumar Kaushik, Resident of Village Ramholla, Post Office Nangloi, New Delhi-110041.
2. Vinod Kumar, S/o Shri Om Parkash, Resident of House No.36, Village & P.O. Maghra Dabbas, Delhi-110081.
3. Surinder Kumar Malik, Son of Shri Ram Kumar, Resident of A-4/36; Sector 15, Rohini, Delhi.
4. Sultan Singh, Son of Shri Ram Prasad, Resident of C-477, Gali No.24, Bhajanpura, Delhi.

-Applicants

Versus

1. Union of India Through, Lt.Governor, Sham Nath Marg, Govt. of N.C.T.of Delhi, Delhi.
2. Govt. of N.C.T. of Delhi, Through Chief Secretary, 5,Sham Nath Marg, Delhi.
3. Commissioner of Transport, Govt. of N.C.T. of Delhi, 5/9, Underhill Road, Delhi-110 054.

- Respondents

(2) Review Application No.13 of 2001
(in OA.No.2058 of 1996)

Shri Satyandra Dabas S/o Shri Hoshiar Singh, Head Constable, Department of Transport, Govt. of NCT of Delhi, 5/9 Underhill Road, Delhi, Resident of Village & Post Office, Majra Dabas, Delhi-110081 - Review-applicant

IN

O.A.No. 2058 of 1996

Anil Kumar Dhaka Son of Shri Deopal Singh Resident of A/59, Chanderlok, Shahdara Delhi- 110054.

-Applicant

Versus

1. State of Delhi/Govt. of N.C.T. of Delhi. Through its Chief Secretary: Old Secretariat, Shamnath Marg, Delhi.

(17)

2. Commissioner of Transport, Govt. of N.C.T. of Delhi; 5/9, Underhill Road, Delhi-110 054. — Respondents

Common Order(in circulation)

By V.K.Majotra, Member(Admnv) -

These review applications have been made against common order dated 10.4.2000 passed in OAs 2008 & 2058 of 1996 whereby the respondents were directed not to cancel the seniority list of Head Constable issued on 7.9.1992, and also that the seniority list issued by the respondents on 10.9.1996 was simultaneously quashed. /

2. These review applications were filed initially on 29.11.2000 and re-filed on 11.12.2000 after removal of certain defects. The review applicant has filed applications for condonation of delay as MAs Nos.9 & 18 of 2001 contending that he was not impleaded as a party in the aforesaid OAs. He claims that he learnt about the order dated 10.4.2000 in the aforesaid OAs on 24.10.2000 when he inspected the records and the order pertaining to the OAs. Having inspected the records of the said OAs and the impugned order on 24.10.2000 the present RAs have not been filed within the prescribed time limit under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987. Basically this Tribunal is not empowered to entertain review applications outside the time limit prescribed for making review applications. We are fortified in our view by the decision of the Hon'ble Supreme Court in the case of K.Ajit Babu and others Vs. Union of India and others, JT 1997(7) SC 24.

3. Apart from the above, aforesaid order dated 10.4.2000 was based on the ratio in the matter of Direct Recruit Class-II Engineering Officers' Association Vs. State of Maharashtra and others, AIR 1990 SC 1607 in

unsettled. In the said OAs the seniority disputes had been raised after a lapse of several years when in the meantime substantial action like promotions of various persons based on the said seniority list had already taken place. It was decided that the question of seniority should not be reopened because that would disturb the settled position which is not justifiable. In the matter of Union of India Vs. M.P.Singh, 1990 (Suppl) SCC 701 it was held that where only validity of rule / principle is challenged, it is not necessary to implead the parties other than the official respondents. In the aforesaid OAs the principle that the settled position should not be unsettled was decided. In such a situation it was not necessary to have impleaded the present review-applicant in the aforesaid OAs. Thus, even on merits, the review applications cannot be allowed. Accordingly, they are rejected at the circulation stage itself.

rkv.
(V.K.Majotra)
Member (Admnv)

Y. J. J.
(Ashok Agarwal)
Chairman

Attested
Agarwal
C.O.C