

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

RA 199/2002 in
MA 1934/2002
OA 1600/1996

New Delhi this the 5th day of March, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V.K.Majotra, Member (A)

Mohinder Kumar
working as C.A.
under Asstt.Divisional
Engineer, N.R.Ghaziabad

..Applicant

(By Advocate Shri Yogesh Sharma)

VERSUS

1. V.K.Gandhi,
working as Stenographer
at present CA,DRM Office,
Near New Delhi Rly.Station,
New Delhi.
2. Hari Dutt,
working as Stenographer
at present CA, DRM Office,
Near New Delhi Rly.Station
New Delhi.
3. Union of India through the
General Manager, Northern
Railway, Baroda House,
New Delhi.
4. The Divisional Railway Manager,
Northern Railway, State Entry Road,
New Delhi.
5. Sr.D.P.O.
Northern Railway, State Entry Road,
New Delhi.

..Respondents

(By Advocate Shri V.S.R.Krishna,
learned counsel for respondents 3-5)

(By Advocate Sh.B.S.Maine, learned
counsel through proxy counsel Ms
Meenu Maine, counsel for Respondents 1-2)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Learned counsel for the parties heard on RA 199/2002
and MA 1934/2002.

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2. Taking into account the facts and circumstances of the case, including the fact that the respondents have issued show cause notice to the applicant on 16.7.2002 when he became aware of the judgement of the Tribunal dated 17.2.2000 and the relevant facts and circumstances brought out in the RA, we consider it appropriate to allow MA 1934/2002. MA 1934/2002 for condonation of delay is accordingly disposed of.

3. From a perusal of the reply filed by the official respondents together with the notices issued by them to the concerned persons to appear in the selection for the posts of Stenographer, copies placed at Annexure R-2 to R-5 of the RA, we agree with the contention of Shri Yogesh Sharma, learned counsel that an inadvertent error has crept in the aforesaid judgement of the Tribunal dated 17.2.2000 in OA 1600/1996 and the order dated 5.3.2002 in OA 1423/2001 which has followed the earlier order. It is relevant to note from the respondents reply dated 24.2.2003, that they have issued show cause notice to the review applicants in pursuance of the aforesaid order. They have also stated in the reply that the original applicants in the aforesaid two OAs did not qualify the selection for the posts of Stenographer but qualified in a subsequent selection which was held in the year 1992 and their seniority was accordingly fixed by Annexure RR 2. It, therefore, clearly shows that the applicants in OA 1600/1996 and OA 1423/2001 did not qualify in the selection for the posts of Stenographer held by the

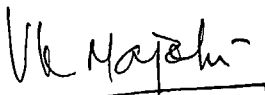
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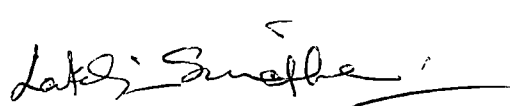
official respondents in 1987-1988 and were not placed in the panel. They have not brought to the notice of the Tribunal this fact at the relevant time which has led to the miscarriage of justice, based on a mistake apparent on the face of the record which is now brought out in the reply filed by the official respondents.

3. In the above facts and circumstances of the case and having regard to the provisions of Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Order 47, Rule 1 CPC, we find that a glaring mistake has occurred in the aforesaid order of the Tribunal due to a mistake committed by the respondents in not bringing to the notice of the Tribunal the correct and relevant facts. Accordingly, RA 199/2002 is allowed.

4. RA 199/2002 and MA 1934/2002 are disposed of as above.

5. In view of the above, list this OA along with OA 1423/2001 for hearing on 18.3.2003.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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