

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 228/2000
M.A. NO. 1695/2000
M.A. NO. 1989/2000
in
O.A. NO. 1788/1996

(29)

New Delhi this the 15th day of December, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Devi Saran (Resp. No. 4 in OA 1788/96) ... Applicant
(By Shri Yogesh Sharma, Advocate)

-versus-

Prem Pal (Applicant in OA) & Ors. ... Respondents
(By Shri N.S. Verma, Advocate for Original Applicant
& Shri D.K. Srivastava for Shri V.S.R. Krishna, Adv.
for Official Respondents)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Present review application has been filed by respondent No. 4 for review of an order passed on 7.3.2000 in OA No. 1788/1996. By the aforesaid order following directions have been issued :

"5. In the circumstances, present OA is allowed. Respondents are directed to grant confirmation to the applicant to the post of Examiner (Skilled) with effect from 1.4.1990 when his juniors i.e. respondent Nos. 4 & 5 were so confirmed. Respondents will recast the seniority list and place the applicant at the appropriate place and above respondent Nos. 4 & 5. Applicant will also be granted consequential benefits if any due under rules."

2. As far as the aforesaid order is concerned, respondent No. 4 in the OA has no grievance regarding the relief of confirmation granted to the applicant to the post of Examiner (Skilled) w.e.f. 1.4.1990. He,

(30)

however, is aggrieved by the order insofar as it directs the applicant to be placed above respondent Nos. 4 and 5. According to respondent No. 4, respondents 4 and 5 had been placed higher in merit and were placed higher to applicant in the seniority list based on their merit at the time of their direct recruitment as Examiner (Skilled). Reliance is placed on the following rule under which respondent No. 4 claims to be placed higher to the applicant in the seniority list :

"Seniority of a person regularly appointed to a post would be in the order of merit indicated at the time of initial appointment and not according to the date of his confirmation."

According to respondent No. 4, if the aforesaid rule is applied, respondent Nos. 4 and 5 will be entitled to be placed higher in merit to the original applicant.

3. In view of the aforesaid claim made, we find that it would be in the interest of justice to recall our order of 7.3.2000 in OA No. 1788/96. We direct accordingly. Aforesaid OA will now be placed on board for hearing and final disposal on merits and in accordance with law.

4. Present RA is disposed of with the aforesaid directions.

V.K.Majotra

(V.K.Majotra)
Member (A)

/as/

Ashok Agarwal

(Ashok Agarwal)
Chairman