

Central Administrative Tribunal, Principal Bench

MA No. 2060/99 In MA No. 327/2000
RA No. 202/2000 with MA Nos. 1535/2000 & 1557/2000 In
Original Application No. 299 of 1995

New Delhi, this the 31st day of August, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

1. Vinod Singh S/o Shri Mahinder Singh
2. N.K. Nigam S/o Sh. Bidher Ram
3. Balbir Singh S/o Sh. Soran Singh
4. T.K. Sahu S/o Sh. A.P. Sahu
5. Bijender Mohan S/o Sh. B. Yadav
6. D.S. Rawat S/o LT. Sh. P.S. Rawat
7. Sh.S.K. Tiwari S/o Sh.B.P. Tiwari
8. Yogesh Nandwani S/o Sh.P.L. Nandwani
9. A.K. Sharma S/o Sh. Bani Ram Sharma
10. J.S. Gupta S/o Sh.M.S. Gupta
11. S.K. Gupta S/o Sh.I.P. Gupta
12. A.K. Sexana S/o Sh. B.N. Sexana
13. Thakuar Prasad S/o Sh. Ram Lal
14. B.K. Pant S/o Sh.P.C. Pant
15. P.S. Parwal S/o Sh.M.L. Parwal
16. P.K. Kapoor S/o Sh.J.D. Kapoor
17. Rajesh Kumar S/o Sh. Ram Charan Singh
18. Ganga Prasad S/o Sh. Bhagirathi
19. A.K. Kushwaha S/o Sh. Chander Pal Kushwaha
20. Ram Niwas S/o Sh. Mohan Lal
21. Rajesh Bajpai S/o Sh. V.S. Bajpai
22. H.S. Dabas S/o Sh.K.S. Dabas ..Review Applicants

All the Review Applicants are working as Technical Assistants Grade-II in Monitoring Head Quarters, Third Floor, E-Wing, Puspha Bhavan, New Delhi.

(By Advocate - Shri V.P. Sharma)

Versus

1. S/Shri A.K. Rudola S/o Shri S.N. Rudola
R/o 547-Lodhi Road Complex, New Delhi.

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2. Alax Toppo S/o Shri Rajalius Toppo
R/o B-10 Molar Band Ext., New Delhi.
3. N.P. Sati S/o Shri Chakar Dhar Sati
R/o House No.101 Sector-VII Pushp Vihar,
New Delhi-110 017.
4. Bhupinder Singh S/o Shri S.Maugans Singh
R/o BA-125B Janakpuri, New Delhi-58.
5. Deep Chand S/o Shri Bhichha Ram
R/o Village Nayaphgarh, Delhi-43.
6. Baram Singh S/o Shri Sumer Singh
R/o GI/713 Sarojani Nagar,
New Delhi.
7. N.K. Kalra S/o Shri P.D. Kalra
IMS, DOT. Ghatrai, New Delhi-30.
8. Union of India through the Secretary,
Ministry of Communication,
Govt. of India,
Sanchar Bhawan, Ashoka Road,
New Delhi.
9. Shri K.K. Debey
Technical Assistant Grade-II,
Monitoring Head Quarters,
Third Floor, E-Wing,
Pushpa Bhavan,
New Delhi.

- Respondents

(By Advocate - Shri S.K. Gupta for respondents 1 to 7.
Sh.S.M.Arif for respondents 8 & 9)

O R D E R

Mr. S.R. Adige, VC (A)

Heard both sides on R.A. No. 202/2000 seeking review of the Tribunal's order dated 10.3.99 in O.A. No. 299/95.

2. In this connection submissions in M.A. No. 1535/2000 for condonation of delay in filing the R.A. and in M.A. No. 1557/2000 for stay of the impugned order dated 10.3.99 have also been heard.

3. Both sides have also been heard on M.A. No. 2060/99 and M.A. No. 327/2000 filed by official respondents.

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4. In O.A. No. 299/95, applicants Shri R.N. Rudola and others who were Technicians Grade I in the Department of Telecommunications, and whose next promotion wasas Technical Assistant Grade I, had prayed that the existing ratio of promotion quota between Technicians Grade I and Technical Assistant Grade II for promotion to the rank of Technical Assistant Grade I as per amended Recruitment Rules be quashed and Respondents be directed to consider both the feeder categories for promotion on the basis of their date of joining in the feeder category. Their grievance was that as per the amended Recruitment Rules for filling up the post of Technical Assistant Grade I, the ratio of promotion between the two categories namely one Technician against 14 Technical Assistant Grade II.

5. During hearing note was taken the Bench of the submissions of official Respondents that they proposed to consider amending the Recruitment Rules and the O.A. was disposed of with a direction to respondents to complete the consideration within a period of six months from the date of receipt of a copy of the order.

6. Now Shri Vinod Singh and others filed R.A. No. 202/2000 on 27.6.2000 seeking review of the aforesaid order dated 10.3.99. The main ground advanced in the R.A. is that in the aforesaid O.A. No. 299/95 they were not made party

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and their interests had been adversely affected without giving them an opportunity of being heard.

7. This R.A. came up for hearing on 20.7.2000. Meanwhile official Respondents filed M.A. No. 2060/99 and M.A. No. 327/2000 seeking extension of time to implement the aforesaid order dated 10.3.99.

8. The R.A. as well as related M.As for condonation of delay in filing the same were heard on 20.7.2000 along with the M.As for extension of time to implement the aforesaid order on 20.7.2000 and orders were reserved.

9. Meanwhile we have separately been informed that official Respondents have since amended the Recruitment Rules vide Notification dated 1.8.2000, a copy of which is taken on record.

10. The issue of Notification dated 1.8.2000 amending the Recruitment Rules gives applicants in the R. A. a fresh cause of action, and if they are aggrieved with the amendment made in the Recruitment Rules it is open to them to challenge the same separately through appropriate original proceedings in accordance with law, if so advised, in which it is also open to them to take the grounds pressed in the R.A.

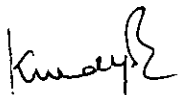
11. M.A. No. 2060/99 and M.A. No. 327/2000 for extension of time to implement the Tribunal's order dated 10.3.99 have been rendered infructuous with the issue of

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Notification dated 1.8.2000 amending the Recruitment Rules.

12. The aforesaid M.As and the R.A along with the related M.As stand disposed of accordingly.


(Kuldip Singh)
Member (J)

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(S.R. Adige)
Vice Chairman (A)