

Central Administrative Tribunal
Principal Bench: New Delhi

RA 300/97 MA 3000/97 in OA 54/95

New Delhi, this the 15th day of January, 1998

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

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Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Deputy Controller of Stores,
Northern Railway,
Shakur Basti,
New Delhi.

....Review applicants

(By Smt. B. Sunita Rao)

Versus

Shri Chaman Lal Chadha,
r/o Flat No. 114, Pocket No. D/10,
Sector No. 7, Rohini,
Delhi.

...Respondents/
original applicants

(By Advocate: Shri B.S.Mainee)

O R D E R (By circulation)

Dr. Jose P. Verghese, Vice-Chairman (J)-

This review petition has been filed seeking review of our order dated 8th August, 1997 passed in OA No. 54/97. By this order we were only approving the previous order passed by this court on 11.4.1994 in OA No. 1579/89 wherein this court had already quashed the impugned order and directed the respondents to dispose of the representation, if any, at the instance of the petitioner, within a reasonable time by a speaking order or in the alternative issue a show cause notice. This order passed in the previous OA was not complied with by the respondents due to which the present OA happened to be filed after making the due representation by the petitioner.

When this OA came up for hearing, respondents had stated in their counter affidavit that the said representation of the applicant has since been rejected and communicated to the applicant and the copy was not enclosed with the counter affidavit. The petitioner himself stated that they have never received any reply till that date. (25)

Several opportunities were given to the respondents to produce the copy of the said order passed on his representation and they have failed to do so and thereafter final order in this OA was passed by this court on the basis of the findings given in the previous OA.

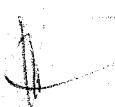
Even in this review petition now being filed, respondents only reiterated the pleas raised in the said OA and has not produced the above said order by which the representation of the petitioner is said to have been disposed of by the respondents. The four grounds raised in this review petition by the respondents were all identical pleas raised by them at the time of passing the final order in the previous OA, such as, the plea that the promotion of the petitioner was to be considered against the resultant vacancies only, that the petitioner could not be promoted w.e.f. 1.8.1982, that the petitioner has been given the promotion w.e.f. 6.4.1984, and that the Pension Adalat had rejected the grievances of the petitioner. Since all these pleas were raised at the time of passing the final order in the OA, none of them requires to be reverted at this stage.

In the previous OA this court had quashed the impugned order and the respondents were obliged to pass a fresh order after the petitioner made a representation. In

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the absence of any fresh order, none of these pleas raised previously can be the basis for review now granted by this court. With this, this RA merits rejection.

(26)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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