

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

R.A. NO. 317/2000
M.A. NO. 1795/2000
M.A. NO. 1913/1998
M.A. NO. 1161/1999
C.P. NO. 142/2001
in
O.A. NO. 2035/1995

(A)

New Delhi this the 23rd day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

V.S.Tyagi ... Applicant

(By Shri Sanjeev Sahay, Advocate/In person)

-versus-

S.P.Mehta & Ors. ... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (ORAL)

Shri V.K.Majotra, Member (A) :

Applicant and his counsel present have stated that as the senior counsel is not present, the case be adjourned. We have noticed that the case has been adjourned on several occasions and on all occasions applicant has been appearing in person. We have afforded full opportunity to the applicant as well as Shri Sanjeev Sahay, his counsel, of hearing. We have heard Shri R.L.Dhawan, the learned counsel appearing for the respondents as well. Today this special Bench has been constituted to consider various review applications and it is not possible to adjourn the matter time and again.

2. This review application has been made seeking review of an order dated 26.7.2000 passed in

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MA No.1913/1998. The said MA had been filed seeking execution of the Tribunals order dated 3.10.1996 in OA No.2035/1995. Vide order dated 26.7.2000 MA No.1913/1998 was dismissed on the point of limitation, particularly as an application for condonation of delay had also not been made. It is contended that after the order dated 30.10.1996 there has been a subsequent compromise/order dated 11.11.1997 and 21.11.1997 for satisfaction of the decree, which had not been taken into consideration while passing order dated 26.7.2000 dismissing MA No.1913/1998. The applicant has stated he had carried the matter relating to his posting at Anand Vihar Dispensary before the Regional Labour Commissioner (RLC). He claimed that an agreement had been reached before the RLC which has not been taken into cognisance while deciding MA No.1913/1998 vide order dated 26.7.2000. Shri Dhawan, the learned counsel for respondents, brought to our notice Annexure R-6 which are proceedings dated 24.7.1998 before the RLC. These proceedings relate to consideration of the matter of posting of the applicant at Anand Vihar Dispensary. We find that the proceedings dated 24.7.1998 were inconclusive. Shri Dhawan maintained that ultimately these proceedings were closed and no compromise was reached between the respondents and the applicant before the Labour authorities. The applicant referred to proceedings dated 30.12.1997 at Annexure C-5A and Annexure C-6 dated 31.1.1998 to the C.P. No.142/2001 whereby also the case before the RLC was adjourned. We do not have any proof before us regarding the

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compromise reached between the respondents and the applicant. The applicant has stated that the matter was ultimately referred to the Labour Ministry. On the other hand, Shri Dhawan maintained on behalf of the respondents that these proceedings were ultimately closed. Evaluating the rival contentions, we hold that it has not been established before us that there was any compromise between the authorities and the applicant subsequent to the judgment dated 3.10.1996 in OA No. 2035/1995.

3. Shri Dhawan pointed out that the applicant had taken over charge on 11.4.1997 at Anand Vihar Dispensary and vide order dated 10.6.1997 at Annexure R-4 in MA No. 1913/1998 the applicant was transferred from Anand Vihar to Delhi Main Hospital. We find that this order whereby the applicant had been transferred from Anand Vihar, which was his original place of posting, to Delhi Main Hospital, has not been impugned in any proceedings, while contempt proceedings in CP No. 191/1998 were filed in relation to the Tribunal's order dated 3.10.1996. It has also been brought to our notice that the related CP No. 191/1998 was dismissed vide order dated 6.8.1998 with liberty to the applicant to file a fresh OA, if so advised, whereas the present review application has been filed in relation to the order dated 26.7.2000 in MA No. 1913/1998 which was dismissed basically on the point of limitation. However, we have now considered the case on merits as well. As the applicant had been re-transferred to his original place of posting, i.e.,

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Anand Vihar Dispensary, which has not been questioned by the applicant through any legal proceedings and the respondents having contested the claim of the applicant regarding the subsequent compromise to order dated 3.10.1996 and the applicant having not established the same, we do not find any merit too in the claims made through MA No. 1913/1998 as well as RA No. 317/2000 in OA No. 2035/1995.

4. Having regard to the reasons and discussion made above, this review application is dismissed being devoid of merit. Consequently MA No. 1795/2000 and CP No. 142/2001 are also dismissed. No costs.

V.K.Majotra

(V.K.Majotra)
Member(A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

/as/