

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON. SHRI A.V. HARIDASAN, VICE-CHAIRMAN 'J'
HON. SHRI R.K. AHOOJA, MEMBER 'A'

R.A. NO. 57/1997 IN O.A. NO. 1529/1995

NEW DELHI, THIS 21ST DAY OF MARCH, 1997

SHRI BALWANT SINGH RANA

S// Shri Prabhu Singh
aged about 62 years

R/o House No.256
Village & P.O. Khera Kalan
DELHI-82.

... APPLICANT

VERSUS

1. Government of NCT Delhi, though
The Secretary 'Education'
Old Secretariat
Delhi.

2. The Director of Education
Delhi Administration
Old Secretariat
DELHI

3. Shri P.S. Khatkar
Assistant Social Education Officer
'Social Education'
Delhi Administration
5/9 Underhill Road
DELHI

... RESPONDENTS

ORDER / BY CIRCULATION

R.K. AHOOJA, MEMBER 'A'

The present Review Application is directed against
the order dated 5.12.1996 in O.A. No.1529/1995. The said
O.A. was disposed of with the following directions:-

contd... 2/-

DN

6. We have gone through the copy of the order dated 6.3.92 in OA No. 2134/1990 but we are unable to understand from that as to what final directions were given in regard to the payment of salary of the applicant. In any case, the relief sought for was not granted. We also understand that the matter was agitated in CCP No. 168/92 in OA No. 2134/90 but the petition was dismissed. Anyhow if the respondents had not complied with the interim directions in that OA then the proper course for the applicant would have been to file a Contempt Petition rather than seek his remedy by filing a fresh OA after the lapse of three years, for compliance of Interim Orders in the earlier O.A. At best, this can be regarded as an attempt to circumvent the limitation under Section 20 of the Contempt of Courts Act 1971."

7. We are unable to come to any other conclusion but that in the facts and circumstances of the case and the past history of litigation, much has been hidden by the applicant in his O.A. This OA is a vexatious effort to raise a dead cause and thus merits no consideration. On the contrary we strongly feel that such effort, at misusing the judicial process of this Tribunal should be visited with punitive cost."

8. Miscellaneous Applicants in these MAs seek direction for production of certain records and personal file pertaining to the appointment of Respondent No.3. In view of our finding above, in respect of the reliefs sought for by the applicant in regard to the Respondent No.3, both these M.A.s are dismissed.

2. The Review Petitioner has in this R.A. retraced the history of the case, ^{including} the filing of the various O.A.s, M.A.s and Contempt Petitions and has sought to establish that the Tribunal fell into an error while passing the impugned order, that the reliefs sought for were not justified or that the applicant had in the O.A. sought to hide

02

anything. He is also aggrieved that based on this erroneous conclusion, the Tribunal had imposed a punitive cost of Rs.1,000/-.

3. We have carefully considered the R.A. but are unable to persuade ourselves that there is any substance in it. The reliefs sought for in the O.A. were primarily to release the pay and allowances of the applicant from 26.10.1990 to 11.3.1992 and to direct the respondents to revert respondent No.3 to his original cadre of Projected Aids in Audio Visual Branch as Technical Assistant. In para 5 of the impugned order, the plea regarding arrears of pay was discussed. Para 6 of the order, quoted above, gives the conclusion reached. In the R.A., it is contended that there was no occasion earlier for the Tribunal to adjudicate upon the payment of salary and allowances for the period the interim order dated 13.11.1990 in OA 2134/90 was in operation. The question of payment of salary arose on the interim order restraining the respondents from reverting the applicant. The interim order got automatically dissolved with the final order in the O.A. The applicant filed a Contempt Petition which was also dismissed. As discussed in para 6 quoted above of the impugned order sought to be reviewed, the claim for arrears on the basis of interim orders could not arise when the Contempt against non-compliance of interim orders had been dismissed. It would be another example of raising a dead cause which reference was made in the impugned order, if the applicant, having failed to establish his case of having continued in the higher post during the interim period even after agitating the matter in a CP, now seeks to achieve the same aim by agitating for the salary of the higher post.

62

There is thus no error in the conclusion arrived at by the Tribunal in this respect.

4. The review petitioner has also tried to show that the Tribunal had fallen into an error by concluding that he had filed CCP No.145/92 in OA 1822/90 challenging the retention of respondent No.3 as Assistant Social Education Officer while he had actually filed the CCP on the ground that his juniors had been retained as Project Officers to his detriment. The juniors were no other than the respondents in the O.A. No.1529/95. The applicant did not in the O.A. bring out this fact.

5. The review applicant submits that any omissions of any facts in his O.A. was "unwillingly" done. The omissions may have been made unwittingly but the Tribunal while passing its order had to take the pleadings on their face value. It is open to the applicant if he is not satisfied with the conclusions, to agitate the matter in a proper forum by way of appeal but it cannot be made the basis of a review.

6. After careful consideration and in the light of the above discussion, we find no error of fact or law which would justify a review. Accordingly the R.A. is dismissed.

R.K. Ahuja
R.K. AHOOJA
MEMBER "A"

/avi/

A.V. Haridasan
A.V. HARIDASAN
VICE-CHAIRMAN (J)