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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CP No. 245 of 1994  
RA No. 236 of 1994  
MA 1889 of 1994  
OA 1745 of 1993

New Delhi this the 21st day of November, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman  
Mr. B.K. Singh, Member

CP No. 245 of 1994

Shri C.B. Meshram  
Joint Director (Industries)  
Government of National Capital  
Territory of Delhi  
New Delhi.

....Petitioner

By Advocate Mrs. Avnish Ahlawat

Versus

1. Shri P.P. Chauhan,  
Chief Secretary,  
Government of National Capital  
Territory of Delhi,  
5, Sham Nath Marg,  
Delhi.
2. Shri Virender Singh,  
Secretary-cum-Commissioner  
Industries,  
Government of National Capital  
Territory of Delhi,  
C.P.O. Building,  
Kashmeri Gate,  
Delhi.
3. Shri Balbir Singh  
Secretary (Services),  
Govt. of National Capital Territory of  
Delhi,
4. Shri S.K. Purkayastha,  
Secretary,  
Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi.

...Respondents

RA 236 of 1994 and  
MA 1889 of 1994

Shri C.B. Meshram

...Respondents in the  
R.A.

By Advocate Mrs. Avnish Ahlawat

Versus

1. It. Governor, Delhi,  
Rajniwas,  
Rajniwas Marg,  
Delhi.
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2. Delhi Administration  
through Chief Secretary,  
5, Sham Nath Marg,  
Delhi.

3. Secretary (Industries),  
Delhi Administration,  
5, Sham Nath Marg,  
Delhi.

4. Union of India  
through Secretary,  
Union Public Secretary  
Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi.

...Petitioner in the RA

By Advocate Ms. Maninder Kaur

ORDER (CORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The Review Application No. 236 of 1994 and the Contempt Petition No.245 of 1994 arise out of a common judgment given in O.A. No. 1745 of 1993 by us on 10.01.1994. The two applications are interconnected and, therefore, they are being disposed of by a common order.

By our judgment dated 10.01.1994 we had directed the respondents to fill up the post of an Industrial Advisor as expeditiously as possible but not beyond a period of six months from the date of presentation of a certified copy of our order before the relevant authority. In our judgment, we had taken note of the fact that the said post had been lying vacant for the last 11 years.

The Review Application was presented in this Tribunal on 08.07.1994. Therein, the material averments are these. As per the directive of Prime Minister of India, there should be a curtailment of 10% of the total sanctioned posts. The Administrative Reforms Department constituted a committee and that



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committee in its report submitted in September, 1993 recommended abolition of 52 posts in the Industrial Department, including the post of an Industrial Advisor. This report was received on 11.02.1994. The formal order of the abolition of the post of an Industrial Advisor was passed on 23.05.1994 by the Secretary (Services), Administrative Reforms.

The Contempt Petition was filed on 14.07.1994 with the complaint that the respondents have failed to carry out the directions given given by us in our judgment dated 10.01.1994. Notice has so far not been issued on the Contempt Petition.

We have heard the counsel for the applicant in support of the Review Application and we are satisfied that the same does not fall within the purview of Order 47 Rule 1 of the Code of Civil Procedure for the simple reason that no new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the applicant, could not be produced. According to the applicant's own case, the fresh development, namely, the report of the Administrative Reforms Committee came into existence after 10.01.1994, the date on which we delivered our judgment in the O.A. We are also satisfied that the judgment given by us on 10.01.1994 does not suffer from any error much less an error apparent on the face of the record.

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In view of the abolition of the post of an Industrial Advisor in the circumstances indicated above, we cannot take the view that the respondents are wilfully disobeying the directions of this Tribunal, as contained in our judgment dated 10.01.1994. However, from a perusal of the papers before us it transpires that a move has been initiated to revive the post of an Industrial Advisor keeping in view our judgment dated 10.01.1994.

Learned counsel for the applicant, Mrs. Avnish Ahlawat has strenuously urged that the decision to abolish the post of an Industrial Advisor has been deliberately taken to circumvent the directions of this Tribunal. We have no doubt that the department concerned will take necessary steps to dispel this apprehension in the mind of the applicant and will do the needful. We, therefore, make it clear that, if the applicant feels aggrieved by the ultimate decision of the authority concerned not to revive the post of an Industrial Advisor, it will be open to him to seek his remedy, if any, before an appropriate forum.

With these observations, the Review Application as well as the Contempt Petition are disposed of but without any order as to costs.

(B.K. SINGH)  
MEMBER (A)

(S.K. DHAN)  
VICE CHAIRMAN

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